Regular Meeting, Wednesday, June 22, 2011, at 7:00 p.m. Government Center, Verona, VA.

PRESENT: Jeremy L. Shifflett, Chairman
Wendell L. Coleman, Vice-Chairman
David R. Beyeler
Gerald W. Garber
Larry C. Howdyshell
Tracy C. Pyles, Jr.
Nancy Taylor Sorrells
Patrick J. Morgan, County Attorney
Timmy Fitzgerald, Director of Community Development
Becky Earhart, Senior Planner
Jennifer Whetzel, Director of Finance
Patrick J. Coffield, County Administrator
Jessica T. Staples, Administrative Secretary

VIRGINIA: At a regular meeting of the Augusta County Board of Supervisors held on Wednesday, June 22, 2011, at 7:00 p.m., at the Government Center, Verona, Virginia, and in the 235th year of the Commonwealth....

* * * * * * * * * * * * * * * *

Chairman Shifflett welcomed the citizens present.

* * * * * * * * * * * * * * *

Jennifer M. Whetzel, Director of Finance, led the Pledge of Allegiance.

* * * * * * * * * * * * * * *

Wendell L. Coleman, Vice-Chairman, Wayne District, delivered invocation.

* * * * * * * * * * * * * * *

FLOODPLAIN OVERLAY ZONING DISTRICT – ZONING ORDINANCE AMENDMENT

This being the day and time advertised to consider an Ordinance amending the Zoning Ordinance of Augusta County Related to the Floodplain Overlay Zoning District and adopting new floodplain maps for the Sherando Area. The Planning Commission recommends approval.

Timmy Fitzgerald, Director of Community Development, explained a timeline for how the County reached the public hearing tonight regarding the adoption of the maps. He explained in 2009 a Letter of Map Amendment (LOMA) for a parcel on Back Creek Lane was denied in because “the submitted data indicates the effective flood study for Back Creek may be inaccurate”. After contacting the Federal Emergency Management Agency (FEMA), it was agreed the effective data for Back Creek Area needed to be revised. Mr. Fitzgerald explained FEMA then hired a consulting firm, Dewberry to redo the study for that area. The source of the effective profile was a Natural Resources Conservation Services (NRCS) study for South River dated April 1974. Mr. Fitzgerald explained there was no backup computer modeling. Dewberry determined the source of the problem to be a combination of poor topographic data and inaccurate stationing of the effective profile flood elevations on the map. Mr. Fitzgerald then stated Dewberry obtained new topography from the County and redelineated the Back Creek floodplain for the entire length of the Zone AE floodplain with the corrected stationing. He explained the Base Flood Elevations were not revised from the 1974 study. Mr. Fitzgerald further explained the County received maps in August 2010 and reviewed the new map panels. He indicated the new flood elevations lined up with the 2007 topo the County had provided. Lacking any modeling, this was the only “real” review the County

FLOODPLAIN OVERLAY ZONING DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

could provide on boundaries of the floodplain. Mr. Fitzgerald stated the County looked at historical flooding and it was determined the new zones appeared to be more accurate than the old zones. Mr. Fitzgerald concluded the new floodplain map panels have since been received and are available tonight.

Todd Flippen, P.E., Acting County Engineer, displayed two maps (Maps A and B) depicting the effected areas. According to the proposed changes, Mr. Flippen stated approximately 100 acres have been removed and approximately 240 acres have been added to the designated floodplain. With regard to the flood study, Mr. Flippen stated he has spoke with Robert Pierson, from the Region III FEMA office and Allison Mehan with the state floodplain office in Richmond and both urged the County to adopt these proposed maps with an adoption date of July 18, 2011. Mr. Flippen also explained he has been in contact with FEMA who informed him if the adopted maps and ordinance were not received to their office by that date, proceedings would begin for suspending Augusta County's flood insurance. Mr. Flippen further stated after speaking with Ms. Mehan, he was informed flood insurance for those individuals who are newly in the floodplain is available for the first two years at a reduced rate. Mr. Flippen discussed the proposed changes to the Floodplain Ordinance. Under §25-474 of the current Floodplain Ordinance, Mr. Flippen explained development is prohibited in the floodplain however there will be exemptions. Mr. Flippen explained a lot can be developed under Exemption A, if the lot was created prior to January 1, 2010; no contiguous portion of the lot contains 9,000 sq. ft. outside of the floodplain; and the lot meets the requirements of §25-475. Exemption B, Mr. Flippen explained, would apply to development which by its nature is one that is normally located in a floodplain; examples of this would be picnic shelters, docks, decks, etc. and Exemption C, public or private street improvements. Mr. Flippen explained the proposed changes include adding §25-474.1 as clarification which will prohibit new lots from being created for development in the floodplain. After review, Mr. Flippen explained it was determined there will be possible hardships for parcels that have been newly added to the floodplain. He explained under the current §25-474 a lot is said to be exempt if the lot or parcel on which the development is to occur was created prior to January 1, 2010. Mr. Flippen stated the proposed ordinance adds the following language to that exemption, *"or was lawfully created after January 1, 2010 and found to be in the floodplain by subsequent amendment to floodplain maps listed in § 25-473".* Other minor text changes Mr. Flippen explained include a §25-471 a change to reference §25-473 in the text as it was previously misnumbered and §25-475 clarifies when the ordinance requires contours on mapping, it is asking for existing and proposed contours after development.

The Chairman declared the public hearing open.

Larry Wills, 349 Snowflake Mill Lane, Weyers Cave, voiced concern with the minimum 9,000 square feet buildable area requirement. Mr. Wills explained many of the lots found along the floodplain are used for agricultural or recreational purposes. He stated the minimum requirement should be based on the size of the building and sewage system requirements, understanding the 100% reserve requirement.

Jackie Parson, 2872 Mt. Torrey Road, Lyndhurst, stated his parcel was added to the designated floodplain area. Mr. Parson stated Jim Brenneman did an elevation survey for his lot several years ago, and the house was clearly out of the 100 year floodplain. He questioned the fact there are parcels that are at a lower elevation than his own that were actually removed from the floodplain. Mr. Parson stated he has resided at this property for 26 years and it has only flooded once due to the valve release at the Sherando Lake dam. He stated he does not agree with how the notification was

FLOODPLAIN OVERLAY ZONING DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

handled and how "constitutionally" FEMA can tell these property owners what to do.

Jo Payne, 2564 Mt. Torrey Road, Lyndhurst, explained the rear of her property is located "a creek away from Back Creek", but it is being added to the floodplain. Ms. Payne explained a list of citizens four pages long were notified of the changes. She stated she received notification her property was being added to the floodplain in June 2011. Ms. Payne explained she takes exception to this because the County received the preliminary maps in August of 2010. Ms. Payne stated after the Planning Commission Meeting on June 14, she reviewed the file in Community Development. She explained in the file there from FEMA requesting the County to send a representative to a meeting that was never completed and to her knowledge a representative never attended the meeting. She further stated there were three more threatening letters in the file dated January 18, 2011, April 2011, and June 3, 2011. The first letter Ms. Payne stated, "We will send a letter approximately two weeks before the start of the 90 day appeal period to detail the appeal process", and she explained further in the letter it states, "The appeal period will start on the second publication date". Ms. Payne stated she did not find any documentation in file stating the exact timeline for the appeal process. Ms. Payne questioned if it were possible that the appeal process could have been missed and if so, she asked if that would be enough leverage for the Board to appeal the July deadline. Ms. Payne stated she did not find that letter in the file, and regardless the date of that letter is when property owners should have been notified. She further went on to explain she was not notified until June 4, 2011 and was not able to view the information on the internet until the following Monday. She stated many people do not have internet access and questioned why the information was not attached to the letter. Ms. Payne also stated she notified her neighbor whose entire property has been added to the floodplain, and he never received notification of this proposed change. She stated he would have no recourse on the impact of this change. Ms. Payne also stated in the file, she found notification letters that had been returned to the County unclaimed. Ms. Payne quoted Charlie Banks, Department of Conservation and Recreation, who attended the Planning Commission Meeting as stating, "Why are they (FEMA) going through the process?", because the changes that are being made are based on information from a 1973 soil study. Ms. Payne stated she spoke with Mr. Banks who informed her two localities have filed for an extension of time, however it was on a specific condition to get a study complete to provide hydrologic data on the creek that is being studied. Ms. Payne referenced the County's maps dated December 2010, again at which time no one was notified of these changes. She stated it is poor policy to meet the minimum requirement in notifying property owners of a change that will cost them money and greatly impact their property values. Ms. Payne explained she is not here to avoid the flood insurance program. The process needs to be done correctly. She stated it is only justifiable to make significant changes to a floodplain map on an actual hydrological study, not old data superimposed on contour maps. Ms. Payne stated no study has been done, just old data has been extrapolated. Ms. Payne stated there is no excuse to adopt these maps without getting actual historical data and input from the property owners. She urged the Board to request a time extension from FEMA with justification based on an actual study. She stated she is willing to do whatever it takes to proceed. Ms. Payne also referenced her property in which she compared the old FEMA map with the new. She stated the old FEMA map showed her property at 1,572' and the new map shows her property at 1,545', therefore when the elevation was lowered, the floodplain should have shrunk in size, but it was approximately 1,000 feet wide at that point. She noted a map should not even be considered for adoption with that level of inaccuracy. She stated nowhere in the correspondence from Dewberry do they reference having a flood study. Ms. Payne stated requiring individual property owners to get a LOMA is putting another undue hardship on individuals when the County should pay for a study for the

FLOODPLAIN OVERLAY ZONING DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

entire creek. Ms. Payne concluded by urging the County to get a time extension in order to have an accurate study conducted immediately. She also noted she has walked along Back Creek and there are areas where the creek is blocked, islands have formed, and other areas where the creek actually splits and the water is redirected. She explained creeks need maintenance and she has contacted Mr. Banks on whether or not funding is available for bank restoration.

Arnold Rankin, 183 Rising Sun Lane, Lyndhurst, explained the creek is building up and getting ready to come over the banks. Mr. Rankin explained Todd Flippen has been out to his property regarding these issues. He stated concern regarding the condition of the creek as it is similar to its condition in 2002 when a backhoe had to go in and clear the banks.

There being no other speakers, the Chairman declared the public hearing closed.

Mr. Beyeler asked Mr. Fitzgerald to address the Board and public on his discussion with FEMA.

Mr. Fitzgerald explained he spoke with FEMA today regarding the possibility of an extension of time. He stated FEMA explained if the County could have a flood study completed and turned into them by July 18, 2011, they would be more than willing to consider those changes. However, Mr. Fitzgerald explained with that not being possible, the County feels an extension would not be a likely option at this time. He stated FEMA clearly indicated they would like for the County to adopt the Floodplain Ordinance and maps by July 18, 2011. Mr. Fitzgerald also stated FEMA informed him the Back Creek Area is on a list of areas for flood studies to be completed, however it will not be done in the near future.

Ms. Sorrells commented St. Mary's has been on the list since 2004. She asked if the County decides to adopt these maps and then goes forward and complete its own flood study, how difficult would it be to go back and adopt the revised changes after the study is complete.

Mr. Fitzgerald explained the County would do their own study and if the results are significantly different, FEMA would then make the appropriate changes assuming the study is found to be accurate to their standard.

Ms. Sorrells stated even if the maps in 1977 were accurate, there have been many geological changes with flood events since that date. Ms. Sorrells recommended the County go forward with a floodplain study to determine the actual floodplain as well as a plan of action. Ms. Sorrells stated if the Floodplain Ordinance is adopted, she supports Mr. Wills' recommendation with regard to buildable area, that the minimum requirement should be based on the size of the building and sewage system requirements. Ms. Sorrells stated the County knows currently there are parcels that have been placed in the floodplain inaccurately. She stated for those parcels, the County should have funding set aside to fund those studies so the individual property owners are not paying out of pocket.

Mr. Pyles stated there is nothing more troubling to him as a supervisor then dealing with rivers. Mr. Pyles provided Mr. Rankin with a new brochure which has a list of contacts and resources he can use to assist with the issue. He stated the problem is those that are taking ownership are not taking responsibility to fix the problem and the County has no money available to do what needs to be done. He stated the best resolution is for Augusta County to get out of the river business. It is obvious there are errors with the maps. Mr. Pyles responded to Ms. Sorrells' recommendation of setting up a fund. He stated if the County sets up a fund, then plans need to be made to increase the tax rate, because of the number of property owners that will be contacting the County to

FLOODPLAIN OVERLAY ZONING DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

have their properties evaluated. Mr. Pyles stated as Mr. Fitzgerald explained, there are obvious errors with the maps. He stated he does not like it when another government agency "puts a gun to his head". Mr. Pyles stated the County needs to stand up and identify these errors, send them to FEMA, and inform the agency the County is "not going to put our good name to something that is riddled with errors" and "when you come back with something that is better, we will go with it". He responded to the idea of the County loosing its flood insurance program, and stated while that may be true, the County has to start somewhere. Mr. Pyles went on to state if it were his decision, he would put Ms. Payne in charge as she is educated on the issue. Mr. Pyles moved to table the request, and send a letter to FEMA respectfully requesting an extension of time until a flood study can be complete.

Mr. Garber seconded the motion. He added the County needs to contact Representative "Bob" Goodlatte regarding the issue.

Mr. Beyeler stated he does not disagree with Mr. Pyles. He explained if a property owner has a loan on the property that is going to require flood insurance, the payment for the insurance will most likely be added to the monthly payment on the loan. He stated he too does not like "having a gun to his head", but the Board needs to do something to show good faith and they are willing to do more than just say no. Mr. Beyeler commented he supports "seeing where the motion goes that is on the floor" and getting Representative "Bob" Goodlatte involved. He noted Ms. Payne used to work for the Army Corps of Engineers so she has an educational background on the issue. Mr. Beyeler noted the fact there are obvious mistakes in the data.

Ms. Sorrells asked Mr. Fitzgerald if NRCS would be able to do a flood study for the County or if it would have to be a private firm.

Mr. Fitzgerald stated a private firm would be able to do the study.

Mr. Beyeler asked if a flood study was done on Toms Branch.

Mr. Fitzgerald stated there is information on the dam. Regarding this issue, Mr. Fitzgerald stated the best option would be a private consultant. He explained the services would be put out to bid.

Ms. Sorrells recommended developing a time line to also send with the request for extension.

Mr. Howdyshell commented the process is on a fast track. He explained errors need to be found, Representative "Bob" Goodlatte contacted, and a letter submitted to FEMA. He stated staff has three weeks to see what can be generated and if the attempt is unsuccessful, the County can still meet the deadline of July 18.

Mr. Beyeler agreed and called for question.

Mr. Pyles restated the motion. He moved to table the ordinance amendment and adoption of the floodplain maps until the Board of Supervisors regularly scheduled meeting on July 13, 2011. Mr. Pyles requested a letter be sent to FEMA stating because of errors that are found in their data, the County is not comfortable adopting the proposed changes. In the meantime, the County will be conducting their own flood study and will be providing a timeline of their progress.

FLOODPLAIN OVERLAY ZONING DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

Mr. Beyeler asked Jo Payne and Jackie Parson to assist staff in the process.

* * * * * * * * * * * * * * * * *

EROSION AND SEDIMENT CONTROL – ORDINANCE AMENDMENT

This being the day and time advertised to consider an Ordinance amending Chapter 9 of the Code of Augusta County, Virginia relating to Erosion and Sediment Control.

Mr. Fitzgerald explained the purpose of the proposed amendment is to be consistent with State Code provisions. He stated the ordinance will establish a perimeter erosion and sediment control permit as well as increase the amount of civil penalties to be charged up to $10,000 and will allow for inspections and certificate of occupancy permits to be withheld for projects until all civil penalties for the same project have been paid.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board adopt the following ordinance:

AN ORDINANCE TO REPEAL AND REENACT CHAPTER 9 OF THE CODE OF AUGUSTA COUNTY, VIRGINIA, RELATING TO EROSION AND SEDIMENTCONTROL

WHEREAS, Virginia Code § 10.1-560 et seq. authorizes the County of Augusta, Virginia to establish an ordinance for regulating Erosion and Sediment Control; and

WHEREAS, the Board of Supervisors of Augusta has found it necessary to repeal the current Chapter 9 and enact a new Chapter 9 in its place;

NOW, THEREFORE, be it ordained by the Board of Supervisors of Augusta County, Virginia, that:

1. Chapter 9 of The Code of the County of Augusta, Virginia be, and hereby is, repealed and a New Chapter 9 is hereby adopted and enacted to read as follows:

§ 9-1. Purpose, Title and Authority

A. This ordinance shall be known as the "Erosion and Sediment Control Ordinance of the County of Augusta." The purpose of this chapter is to prevent degradation of properties, stream channels, waters and other natural resources of the County by establishing requirements for the control of soil erosion, sediment deposition and nonagricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.

B. This Chapter is authorized by the Code of Virginia, Title 10.1, Chapter 5, Article 4 (Sec. 10.1-560 et seq.), known as the Virginia Erosion and Sediment Control Law.

§ 9-2. Definitions

As used in the ordinance, unless the context requires a different meaning, the following terms shall have the meanings indicated:

"Agreement in lieu of a plan" means a contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

"Applicant" means any person submitting an erosion and sediment control plan

EROSION AND SEDIMENT CONTROL – ORDINANCE AMENDMENT (cont'd)

for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

"Board" means the Virginia Soil and Water Conservation Board.

"Certified inspector" means an employee or agent of the County of Augusta who (i) holds a certificate of competence from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

"Certified plan reviewer" means an employee or agent of the County of Augusta who (i) holds a certificate of competence from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

"Certified program administrator" means an employee or agent of the County of Augusta who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.

"Clearing" means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

"Conservation Plan," "Erosion and Sediment Control Plan,"or **"Plan"** means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the plan approving authority to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

"County" or "Program Authority" means the County of Augusta, Virginia, **which has adopted a soil erosion and sediment control program that has been approved by the Board.**

"Department" means the Department of Conservation and Recreation.

"Department of Community Development" means the County of Augusta, Virginia, Department of Community Development.

"Development" means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

"Director" means the Director of the Department.

"District" or **"Soil and Water Conservation District"** refers to the Headwaters Soil and Water Conservation District.

"Erosion Impact Area" means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action.

"Excavating" means any digging, scooping or other methods of removing earth materials.

"Filling" means any depositing or stockpiling of earth materials.

"Grading" means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

"Land-disturbing Activity" means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing,

EROSION AND SEDIMENT CONTROL – ORDINANCE AMENDMENT (cont'd)

grading, excavating, transporting and filling of land, except that the term shall not include:

(1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;

(2) Individual service connections;

(3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided the land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;

(4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

(5) Surface or deep mining activities authorized under a permit issued by the Department of Mines, Minerals and Energy;

(6) Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;

(7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (Sec. 10.1-604 et seq.) of Chapter 6 of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (Sec.10.1-1100 et seq.) of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in Subsection B of Sec. 10.1 1163;

(8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;

(9) Disturbed land areas of less than 10,000 square feet in size

(10) Installation of fence posts, sign posts or telephone and electric poles and other kinds of posts or poles;

(11) Shoreline erosion control projects on tidal waters when all of the land disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this ordinance; and

(12) Emergency work to protect life, limb or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

"Land-disturbing Permit" or "Permit" means a permit issued by the County for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth herein.

"Local erosion and sediment control program" or **"local control program"** means an outline of the various methods employed by the County to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.

"**Minimum Standards or Minimum Standard**" means any or all of the 19 minimum standards set forth by the Department.

"Owner" means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

"Perimeter Erosion and Sediment Control Permit" means a permit issued by the County for installation of only perimeter erosion and sediment control measures on any project requiring a land-disturbing permit. This permit does not authorize the permittee to engage in a land disturbance activity outside that required for installation of the perimeter erosion and sediment control measures. Projects involving an agreement in lieu of a plan do not require this permit.

"Permittee" means the person to whom the permit authorizing land-disturbing

June 22, 2011, at 7:00 p.m.

EROSION AND SEDIMENT CONTROL – ORDINANCE AMENDMENT (cont'd)

activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

"Plan-approving authority" The Community Development Department is responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

"Responsible Land Disturber" means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who:

(A). Holds a Responsible Land Disturber certificate of competence,

(B). Holds a current certificate of competence from the Board in the areas of Combined Administration, Program Administration, Inspection, or Plan Review,

(C). Holds a current Contractor certificate of competence for erosion and sediment control, or

(D). Is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.

"Single-family residence" means a noncommercial dwelling that is intended to be occupied exclusively by one family.

"State erosion and sediment Control program" or **"state program"** means the program administered by the Virginia Soil and Water Conservation Board pursuant to the Code of Virginia including regulations designed to minimize erosion and sedimentation.

"State waters" means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

"**Stop Work Order**" A written notice sent to the responsible land disturber or appropriate agent that stops all land-disturbing activity on the project for a specified time period.

"Transporting" means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

§ 9-3. Local Erosion and Sediment Control Program

A. Pursuant to section 10.1-562 of the Code of Virginia, Augusta County hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the Board for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the "Virginia Erosion and Sediment Control Regulations" and the Virginia Erosion and Sediment Control Handbook, as amended.

B. Before adopting or revising regulations, the County shall give due notice and conduct a public hearing on the proposed or revised regulations, except that a public hearing shall not be required when the County is amending its program to conform to revisions in the state program. However, a public hearing shall be held if the County proposes or revises regulations that are more stringent than the state program.

C. Pursuant to Sec. 10.1-561.1 of the Code of Virginia, an erosion and sediment control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The Erosion Control Program of the County shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.

D. The County hereby designates the Department of Community Development as the plan-approving authority.

June 22, 2011, at 7:00 p.m.

EROSION AND SEDIMENT CONTROL – ORDINANCE AMENDMENT (cont'd)

E. The program and regulations provided for in this ordinance shall be made available for public inspection at the office of the Department of Community Development.

§ 9-4. Submission and Approval of Plans; Contents of Plans

A. Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the plan-approving authority an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the plan-approving authority. Where land-disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the Board for review and approval rather than to each jurisdiction concerned. Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.

B. The standards contained within the "Virginia Erosion and Sediment Control Regulations", the Virginia Erosion and Sediment Control Handbook as amended are to be used by the applicant when making a submittal under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines.

C. The plan-approving authority shall review conservation plans submitted to it and grant written approval within 45 days of the receipt of the plan if it determines that the plan meets the requirements of the Board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the conservation measures included in the plan and will conform to the provisions of this article. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, to the program authority, as provided by § 10.1-561, of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance. Property owners may be issued one agreement in lieu of a plan per calendar year for which a responsible land disturber need not be named. Subsequent permits in the same year however, will require naming of a responsible land disturber.

D. The plan shall be acted upon within 45 days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval.

When the plan is determined to be inadequate, the plan-approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within 45 days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

E. An approved plan may be changed by the plan-approving authority when:

(1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or

(2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this ordinance, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.

F. Variances: The plan-approving authority may waive or modify any of the standards that are deemed to be too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:

(1). At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.

(2). During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

June 22, 2011, at 7:00 p.m.

EROSION AND SEDIMENT CONTROL – ORDINANCE AMENDMENT (cont'd)

G. In order to prevent further erosion, the County may require approval of a plan for any land identified in the local program as an erosion impact area.

H. When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

I. In accordance with the procedure set forth by §10.1-563 (E) of the Code of Virginia, any person engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of mitigation banks, pursuant to a permit issued by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation banks annually with the Board for review and approval consistent with guidelines established by the Board.

J. State agency projects are exempt from the provisions of this ordinance except as provided for in the Code of Virginia, Sec. 10.1-564.

§ 9-5. Permits; Fees; Security for Performance

A. No person may engage in a land disturbing activity until he has acquired a perimeter erosion and sediment control permit, has paid the erosion and sediment control fees, posted the required bond and installed all perimeter controls, unless the proposed land-disturbing activity is specifically exempt from the provisions of this ordinance,

B. An administrative fee shall be paid to the County at the time of submission of the land disturbance permit application. The land disturbance permit fee is separate from all other fees paid to other departments in the County. The following fee is hereby adopted and shall be applied to land disturbance permits:

(1) a) Agreement in Lieu of a Plan in non-residential zoned property -- $500.00
b) Agreement in Lieu of a Plan in residential zoned property -- $200.00

(2) Minimum Fee applicable to all other applications: where no more than one acre disturbed -- $500.00. For each additional acre or portion of thereafter -- $200.00.

(3) Fees for applications requiring sediment basins -- $100.00 each basin

(4) Fees for applications requiring stream crossings -- $100.00 each crossing

(5) Fee for applications requiring storm water detention or retention facilities -- $250.00 each facility

(6) Additional fee for applications requiring newly constructed storm water conveyance channels -- $50.00 for each channel

(7) Additional fee for each resubmittal of the required erosion and sediment control plan due to the owner's failure to include required information -- $100.00

C. No land-disturbing permit shall be issued until the applicant submits with his application approved erosion and sediment control plan and certification that the plan will be followed and all perimeter erosion and sediment control measures have been installed, inspected and approved by the plan-approving authority.

D. All applicants for permits will provide to the plan-approving authority a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the plan-approving authority and the County Attorney, to ensure that measures could be taken by the plan approving authority at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him by the approved plan as a result of his land-disturbing activity.

June 22, 2011, at 7:00 p.m.

EROSION AND SEDIMENT CONTROL – ORDINANCE AMENDMENT (cont'd)

The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation which shall not exceed twenty-five percent of the cost of the conservation action. Should it be necessary for the plan approving authority to take such conservation action, the plan-approving authority may collect from the applicant any costs in excess of the amount of the surety held.

Once the plan-approving authority approves the erosion and sediment control plan and receives a completed application for land disturbing permit, applicable fees and the required surety bond, the plan-approving authority will issue a Perimeter Erosion and Sediment Control Permit. The owner may then install all perimeter controls as detailed in the approved plan as indicated by Virginia Code, § 4VAC50-30-40 (4). Once perimeter controls are functional and seeded/stabilized, the plan-approving authority will inspect erosion measures. If installed measures are satisfactory to the plan-approving authority, a land disturbing permit shall be issued.

Within sixty (60) days of adequate stabilization, as determined by the plan-approving authority in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof, shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

§ 9-6. Monitoring, Reports, and Inspections

A. The plan-approving authority shall require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

B. Inspection; notice to comply

(1) The permit-issuing authority shall periodically inspect the land-disturbing activity in accordance with Sec 4VAC50-30-60 of the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection.

(2) Notice to comply

(a) If the plan-approving authority determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

(b) The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this ordinance and shall be subject to the penalties provided by this ordinance.

C. Action in case of violation

(1) Upon determination of a violation of this ordinance, the plan-approving authority may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

(2)If land-disturbing activities have commenced without an approved plan, the plan-approving authority may, in conjunction with or subsequent to a notice to comply as specified in this ordinance, issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

(3) Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, a stop work order shall be issued without regard to whether the permittee has been issued a notice to comply as specified in this ordinance. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply.

June 22, 2011, at 7:00 p.m.

EROSION AND SEDIMENT CONTROL – ORDINANCE AMENDMENT (cont'd)

(4) If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the plan-approving authority may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained.

(5) The stop work order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the County or by delivery to the site of the land-disturbing activities to the agent or employee supervising such activities.

(6) The owner may appeal the issuance of an order to the Augusta County Circuit Court.

(7) Any person violating or failing, neglecting or refusing to obey an order issued by the plan-approving authority may be compelled in a proceeding instituted in the Augusta County Circuit Court to obey same and to comply therewith by injunction or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the stop work order shall immediately be lifted.

(8) Nothing in this section shall prevent the plan-approving authority from taking any other action authorized by this ordinance.

§ 9-7. Penalties, Injunctions, and Other Legal Actions

(A) Violators of this article shall be guilty of a class I misdemeanor.
(B) The adoption of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (a) of this section (refer to Code of Virginia, § 10.1-562.J).

(1) A civil penalty in the amount listed on the schedule below shall be assessed against the owner of the property where the violation has occurred, for each violation of the respective offenses:

a. Commencement of land disturbing activity without an approved plan as provided in §9-4(A) shall be $1,000.00/day.

b. A site with an approved erosion and sediment control plan or agreement in lieu of a plan found in violation of any of the 19 Minimum Standards shall be assessed civil penalties as follows:

Single Violation	Multiple Violations
1st Inspection: Warning issued	
2nd Inspection:	$100 $250
3rd Inspection:	$150 $500
4th Inspection:	$200 $1,000
5th Inspection:	$250 $1,500
6th Inspection: Refer to Co. Atty.	

c. Failure to obey a stop work order shall be $100.00/day.

(2) The permittee shall be notified of each violation and associate assessment in writing, via certified mail or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities. This notification shall be sent or posted no later than the first working day after the violation.

(3) Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of $10,000.00, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of $10,000.00. The assessment of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (a) of this section.
(C) The County, or the owner of property which has sustained damage or which is in imminent danger of being damaged, may apply to the Augusta County Circuit Court to enjoin a violation or a threatened violation of this article, without the necessity of showing that an adequate remedy at law does not

EROSION AND SEDIMENT CONTROL – ORDINANCE AMENDMENT (cont'd)

exist. However, an owner of property will not apply for injunctive relief unless:

(1) He has notified in writing the person who has violated the local program, and the County, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and

(2) Neither the person who has violated the local program nor the County has taken corrective action within 15 days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

(D) In addition to any criminal penalties provided under this article, any person who violates any provision of this article may be liable to the County in a civil action for damages.

(E) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed $2,000.00 for each violation. A civil action for such violation or failure may be brought by the County. Any civil penalties assessed by a court shall be paid into the treasury of the County, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

(F) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this article, the County may provide an order for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (e) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (b) or (e).

(G) The County Attorney shall, upon request of the plan-approving authority, take legal action to enforce the provisions of this article.

(H) Compliance with the provisions of this article shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

(I) A Certificate of Occupancy and/or inspections by the County's building inspection department shall not be granted until all accessed civil penalties are paid and corrections to all erosion and sediment control practices have been made in accordance with the approved plans, notice of violation, stop work order, or agreement in lieu of a plan requirements, and accepted by the County in the subdivision or development where the penalties are incurred.

(J) Any violator may be required to restore land to its undisturbed condition or in accordance with a notice of violation, stop work order, or permit requirements. In the event that restoration is not undertaken within a reasonable time after notice, the County may take necessary corrective action, the cost of which shall be covered by the performance bond, or become a lien upon the property to be collected as taxes or levies, or be billed directly to the land owner.

§ 9-8. Appeals and Judicial Review

A. Any applicant under the provision of this ordinance who is aggrieved by any action of the plan-approving authority or its agent in disapproving plans submitted pursuant to this ordinance shall have the right to apply for and receive a review of such action by the Board of Supervisors provided an appeal is filed within 30 days from the date of the action. Any applicant who seeks an appeal hearing before the Board of Supervisors shall be heard at the next regularly scheduled Board of Supervisors public hearing provided that the Board of Supervisors and other involved parties have at least 30 days prior notice. In reviewing the agent's actions, the Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Board of Supervisors may affirm, reverse or modify the action. The Board of Supervisor's decision shall be final, subject only to review by the Circuit Court of Augusta County.

B. Final decisions of the plan-approving authority under this ordinance shall be subject to review by the Augusta County Circuit Court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

C. This ordinance shall become effective upon enactment.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * *

June 22, 2011, at 7:00 p.m.

OPERATION OF GOLF CARTS AND UTILITY VEHICLES ON PUBLIC HIGHWAYS – ORDINANCE AMENDMENT

This being the day and time advertised to consider an Ordinance amending Chapter 14 of the Code of Augusta County, Virginia relating to the operation of golf carts and utility vehicles on public highways.

Patrick J. Morgan, County Attorney, summarized the ordinance. He explained the ordinance will allow for golf carts to be operated on certain roads in the County with speed limits of 25 mph or less. Mr. Morgan further stated the State Code does allow the Board of Supervisors to look at individual roads to determine whether or not the golf carts will impede the safe flow of traffic and are in compliance with the State Transportation Plan. He explained operators of the golf carts will be required to have a valid Virginia driver's license, and the vehicles are to be operated only between sunrise and sunset and not during inclement weather. Mr. Morgan stated no particular roads were designated in the County in the draft ordinance. Mr. Morgan stated at the request of Mr. Beyeler, he reviewed the number of roads in the County that would meet the required criteria. He explained 181 road sections were found with speed limits of 25 mph or less, including approximately ¼ mile section of US Route 250, which obviously will not be appropriate for golf carts. Therefore a property owner or group such as a board or home owner's association would petition the Board to designate roads for golf cart use at which time request will be heard on a case by case basis.

Mr. Beyeler commented the Town of Elkton has approved the use of golf carts at night so as long as they have lights.

Mr. Morgan commented the State Code gives individual towns different authority than counties.

The Chairman declared the public hearing open.

Steve Tillman, 56 Stuart Avenue, Stuarts Draft, stated he is in support of the proposed ordinance. Mr. Tillman explained he appreciates being able to ride his golf cart to his grandchildren's ballgames and finds the ride to be very relaxing. He also stated golf carts are more cost effective than cars. With regard to signage, Mr. Tillman suggested purchasing stickers for the golf carts stating support for the ordinance and the money from the stickers go towards funding the required signage in each individual neighborhood.

Jo Payne, 2564 Mt. Torrey Road, stated she is in support of the proposed ordinance. She questioned whether or not the 25 mph or less requirement is a State Code requirement, but suggested possibly increasing the requirement to 35 mph as her Kawasaki Mule travels up to 45 mph and 35 mph would be a compromise. Ms. Payne stated she was not sure the process the Board would take on this issue, but if they were to set up a committee to review the roads, she would like to be involved. Ms. Payne suggested the proximity of recreational uses such as Sherando Lake and other parks be considered when permitting golf carts on certain roads if a map is developed and if that is the case, she requested the least driven section of Mt. Torrey Road to be considered due to its proximity to Sherando Lake.

Johnny Cox, 99 York Avenue, Stuarts Draft requested the areas where golf carts are permitted to be driven, in particular the neighborhood behind the Stuarts Draft Fire House, be clearly marked. He stated this neighborhood would be a good place to permit golf carts because it is a residential neighborhood and the speed limit is 25 mph.

Mr. Morgan responded the 25 mph or less speed requirement is a requirement set forth in the State Code.

June 22, 2011, at 7:00 p.m.

OPERATION OF GOLF CARTS AND UTILITY VEHICLES ON PUBLIC HIGHWAYS – ORDINANCE AMENDMENT (cont'd)

There being no other speakers, the Chairman declared the public hearing closed.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board adopt the following ordinance:

AN ORDINANCE TO ALLOW THE USE OF GOLF CARTS OR UTILITY VEHICLES ON DESIGNATED HIGHWAYS

WHEREAS, Title 46.2, Subtitle III, Chapter 8, Article 13.1 of the Code of Virginia, grants the Board of Supervisors authority to allow the use of Golf Carts and Utility Vehicles on designated highways within the County; and

WHEREAS, the Board of Supervisors has deemed it desirable to provide for the use of such vehicles on designated highways;

NOW THEREFORE bit it resolved that the Board of Supervisors for Augusta County adopts and enacts Article VII to Chapter 14 of the Augusta County Code to read as follows:

Chapter 14.

Motor Vehicles and Traffic.

Article VIII. Operation of golf carts and utility vehicles on public highways.

§ 14-61. Use of golf carts or utility vehicles on public highways.

No person shall operate a golf cart or utility vehicle on or over any public highway in the County except as provided in this article.

§ 14-62. Designation of public highways for golf cart and utility vehicle operations.

A. No portion of the public highways may be designated for use by golf carts and utility vehicles unless the Board of Supervisors has reviewed and approved such highway usage.

B. The Board of Supervisors may by ordinance authorize the operation of golf carts and utility vehicles on designated public highways within the County after (i) considering the speed, volume, and character of motor vehicle traffic using such highways, and (ii) determining that golf cart and utility vehicle operation on particular highways is compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy.

C. No public highway shall be designated for use by golf carts and utility vehicles if such golf cart and utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic.

D. Signs alerting motorists that golf carts or utility vehicles may be in operation shall be erected along all public highways designated for golf cart and utility vehicle operation. The County shall be responsible for the installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles. All costs incurred by the County for the installation and maintenance of the signs shall be assessed to and recovered from the organization, individual, or entity that requested the designation, if applicable.

§ 14-63. County public highways designated for golf cart and utility vehicle operations.

A. The Board of Supervisors hereby designates the following public highways within the County upon which golf carts and utility vehicles may be operated in accordance with the provisions of this Article:

1. [LIST PUBLIC HIGHWAYS THAT HAVE BEEN DESIGNATED.]

B. With regard to each of the public highways listed in subsection (A) above, the Board of Supervisors has considered the factors set forth in section 14-62(B) above, as required by Virginia Code § 46.2-916.2.

§ 14-64. Limitations on golf cart and utility vehicle operations on designated public highways.

A. Golf cart and utility vehicle operations on designated public highways shall be in accordance with the following limitations:

June 22, 2011, at 7:00 p.m.

OPERATION OF GOLF CARTS AND UTILITY VEHICLES ON PUBLIC HIGHWAYS – ORDINANCE AMENDMENT (cont'd)

1. A golf cart or utility vehicle may be operated only on designated public highways where the posted speed limit is 25 miles per hour or less. A golf cart or utility vehicle may cross a highway at an intersection controlled by a traffic light if the highway has a posted speed limit of no more than 35 miles per hour;

2. No person shall operate any golf cart or utility vehicle on any public highway unless he has in his possession a valid driver's license;

3. Every golf cart or utility vehicle, whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with Virginia Code § 46.2-1081;

4. Golf carts and utility vehicles shall be operated upon the public highways only between sunrise and sunset, unless equipped with such lights as are required in Article 3 (section 46.2-1010 et seq.) of Chapter 10 of Title 46.2 of the Virginia Code, for different classes of vehicles;

5. Golf carts and utility vehicles operating on designated public highways pursuant to this section shall be covered by an insurance policy. Such policy shall meet the minimum liability amounts contained in Virginia Code § 46.2-472 and provide coverage during the operation of the golf cart or utility vehicle on public highways. Proof of such insurance shall be maintained in such golf cart or utility vehicle at all times such golf cart or utility vehicle is in operation on a designated public highway;

6. Golf carts and utility vehicles must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations, and ordinances pertaining to the possession and use of alcoholic beverages;

7. Only the number of people the golf cart or utility vehicle is designed to seat may ride on a golf cart or utility vehicle. Additionally, passengers shall not be carried on the part of a golf cart or utility vehicle designed to carry golf bags or other cargo;

8. Golf carts and utility vehicles must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic;

9. Golf carts and utility vehicles should not be operated during inclement weather, nor when visibility is impaired by weather, smoke, fog, or other conditions; and

10. The Sheriff or his designee may prohibit the operation of golf carts or utility vehicles on any highway if the Sheriff determines that the prohibition is necessary in the interest of public safety.

B. The limitations of subsection (A) above shall not apply to golf carts and utility vehicles being operated as follows:

1. To cross a highway from one portion of a golf course to another portion thereof or to another adjacent golf course or to travel between a person's home and golf course if (i) the trip would not be longer than one-half mile in either direction, and (ii) the speed limit on the road is no more than 35 miles per hour;

2. To the extent necessary for local government employees, operating only upon highways located within the locality, to fulfill a governmental purpose, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less; and

3. As necessary by employees of public or private two-year or four-year institutions of higher education if operating on highways within the property limits of such institutions, provided the golf cart or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less.

§ 14-65. Application or nomination procedure.

A. Any individual, organization, or entity may apply to the Board of Supervisors to have a qualifying public highway in the County designated for

golf cart or utility vehicle use, provided, however, that:

OPERATION OF GOLF CARTS AND UTILITY VEHICLES ON PUBLIC HIGHWAYS – ORDINANCE AMENDMENT (cont'd)

1. The application shall be accompanied by a petition affirmatively seeking such designation; or

2. If the public highway is located within a neighborhood with a voluntary or mandatory homeowners association, such application may be in the name of the homeowners association and signed by a duly-authorized representative of the homeowners association. If the application is in the name of the homeowners association, a petition as described in subsection (A)(1) above is not required.

B. At a minimum, each application shall include the following:

1. The full legal name of the individual, organization, or entity making the application;

2. The name and route number of each public highway to be designated; and

3. A petition, if one is required by subsection (A) (1) above.

C. Any costs associated with the application, including advertising costs, shall be the responsibility of the individual, organization, or entity making the application. All such costs incurred by the County shall be assessed to and recovered from the individual, organization, or entity making the application.

D. As an alternative to the application procedure outlined in subsections (A) to (C) above, the Board of Supervisors may, by its own motion, nominate qualifying public highways in the County for designation for golf cart or utility vehicle use. Any costs associated with such nomination shall be borne by the County.

E. Upon receipt and acceptance of an application, or upon nomination by the Board of Supervisors, the Sheriff shall consider the request and make a recommendation to the Board of Supervisors.

F. The Board of Supervisors shall consider the recommendation of the Sheriff; the factors set forth in section 14-62(B); and the general merits of the application before making a determination.

§ 14-66. Penalty.

A civil penalty in the amount of $100.00 shall be assessed for any violation of this article. A civil penalty in the amount of $250.00 shall be assessed for a repeated violation of this article. The imposition of civil penalties shall not preclude the use of injunctive relief.

§ 14-67. Revocation of designation.

The Board of Supervisors may, at its sole discretion and upon recommendation of the Sheriff, suspend the designation of any public highway for golf cart or utility vehicle use at any time.

§ 14-68. Liability disclaimer.

All persons who operate or ride upon golf carts or utility vehicles on public highways do so at their own risk and peril, and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The County shall have no liability under any theory of liability and assumes no such liability for permitting golf carts and utility vehicles to be operated on designated public highways.

State law reference—Va. Code §§ 46.2-916.1 to 46.2-916.3

Sections 14-69 through 14-70 reserved

Mr. Beyeler commented golf carts are safer than mopeds or pedestrians walking on these roads.

Mr. Pyles commented adopting this ordinance will be a win for everyone. He explained the golf carts will be better for the environment then vehicles and will also take up less space with parking at ballfields, etc.

Mr. Howdyshell stated he has a concern with safety, however every request will be considered by the Board.

June 22, 2011, at 7:00 p.m.

OPERATION OF GOLF CARTS AND UTILITY VEHICLES ON PUBLIC HIGHWAYS – ORDINANCE AMENDMENT (cont'd)

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman
Nays: None

Motion carried.

* * * * * * * * * * * * * * * *

AUGUSTA COUNTY SERVICE AUTHORITY – PUO

This being the day and time advertised to consider a request to add the Public Use Overlay Zoning designation with proffers to 2.6 acres owned by the Augusta County Service Authority and located on the east side of Buffalo Gap Highway (Route 42) approximately 0.5 of a mile north of the intersection of Buffalo Gap Highway (Route 42) and Morris Mill Road (Route 720) (Pastures District). The Planning Commission recommends approval with proffers.

Becky Earhart, Senior Planner explained the request. She stated the applicant has proffered additional permitted uses will be limited to a water treatment facility. She noted this property already has a well on it which serves the community.

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Mr. Pyles stated the request is a result of looking for water sources in the Churchville area. He stated this is a "good performing well" with good access.

Mr. Pyles moved, seconded by Mr. Howdyshell, that the Board adopt the following ordinance with proffers:

AN ORDINANCE to amend Chapter 25 "Zoning" of the Code of Augusta County, Virginia.

WHEREAS, application has been made to the Board of Supervisors to amend the Augusta County Zoning Maps,

WHEREAS, the Augusta County Planning Commission, after a public hearing, has made their recommendation to the Board of Supervisors,

WHEREAS, the Board of Supervisors has conducted a public hearing,

WHEREAS, both the Commission and Board public hearings have been properly advertised and all public notice as required by the Zoning Ordinance and the Code of Virginia properly completed,

WHEREAS, the Board of Supervisors has considered the application, the Planning Commission recommendation and the comments presented at the public hearing;

NOW THEREFORE BE IT ORDAINED, by the Board of Supervisors that the Augusta County Zoning Maps be amended as follows:

Parcel number **22D** on tax map number **34** containing a total of approximately 2.6 acres is changed to add the Public Use Overlay Zoning with the following proffer:

1. Additional permitted uses will be limited to:

A. A water treatment plant

AUGUSTA COUNTY SERVICE AUTHORITY – PUO (cont'd)

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * *

Chairman Shiflett made the following statement:

> In accordance with Section 2.2-3112 A.1. of the Code of Virginia, I may not participate in this transaction because it has application solely to me, my property or my business or a business that I have a personal interest in as defined by the State and Local Government Conflict of Interest Act.

RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT
This being the day and time advertised to consider an Ordinance amending the Zoning Ordinance of Augusta County by establishing a new district entitled "Recreational Vehicles Parks". The Planning Commission recommends approval.

EXTENDED STAY CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT
This being the day and time advertised to consider an Ordinance amending the Zoning Ordinance of Augusta County by adding provisions for a Special Use Permit in General Agriculture districts for Extended Stay Campgrounds and Recreational Vehicle Parks. The Planning Commission recommends approval.

Ms. Earhart requested Agenda Items 6-14 RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT and 6-15 EXTENDED STAY CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT to be heard at the same time as they are similar topics.

Ms. Earhart explained the proposed ordinance are adding additional concepts to the recreational vehicle and campground ordinances. She explained the term Camp host is being defined as an onsite manager or employee of a campground or rv park. Ms. Earhart further explained the current ordinance defines campgrounds as short term opportunities for recreation that would be defined as no more than 21 days within a 2 month period or 45 days within a 12 month period. She stated the proposed ordinance will clearly define either short term campgrounds or rv parks as follows: Short-term cabin- not equipped with water-flushed toilet, lavatory, shower, and kitchen sink; Short-term campground- Campgrounds where guests occupy tents or cabins for no more than 21 days in 2 months or 45 days in 12 months; Short-term rv park- An rv park where guest occupy rvs or short-term cabins for no more than 21 days in 2 months or 45 days in 12 months. She stated the ordinance also defines a Non-self-contained unit as a unit which is dependent on a service building for toilet and lavatory facilities. She stated the ordinance is adding the terms: Extended-stay cabin- A cabin at a campground that is designed primarily as a temporary living accommodation and has a water-flushed toilet, sink, shower, and kitchen sink; Extended-stay campground- stay in a self-contained cabin or unit for more than 21 days in 2 months or 45 days in 12 months, but no more than 180 days per 12 months; and Extended-stay rv park- stay in a self-contained unit for more than 21 days in 2 months or 45 days in 12 months, but no more than 240 days per 12 months; and defining a Self-contained unit as a vehicular-type portable structure without a permanent foundation designed primarily for temporary living with a water-flushed toilet, sink, shower, and kitchen sink. Ms. Earhart explained a new district has also been established entitled "Recreational Vehicle Parks". She explained this district will be part of the Multiple Residential Districts section and will be similar to the Manufactured Home Park District. She explained it will allow for lots to be lived on year round, but lots cannot be individually owned. The district further allows recreational vehicles and small cabins to be used as dwellings, but each must meet ANSI standards and contain a water-flushed toilet, lavatory, shower, and kitchen sink. Ms. Earhart

RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT (cont'd)
stated the minimum size for the parcel is 10 acres with a maximum density of 6 units per acre and must occur on public water and sewer and electricity. Ms. Earhart explained the second ordinance adds a Special Use Permit option to the General Agriculture District by adding the provisions for Extended Stay Campgrounds and Recreational Vehicle Parks. She explained this proposed ordinance will change the existing SUP category to Short-term campgrounds and short-term recreational vehicle parks (no more than 21 days within 2 months; 45 days within 12 months) and add a new category for extended stay campgrounds (no more than 180 days) and rv parks (no more than 240 days) serving self-contained units. Ms. Earhart explained record-keeping will be required. She stated camp hosts can live permanently on site (1 per 50 sites) and the sites must have electricity and approved water and sewer systems. She explained the campground will have public or private streets internally and the development must be a minimum size of 10 acres with a maximum density of no more than 10 sites per acre. Ms. Earhart further stated a 50' perimeter buffer is required. She reiterated this zoning would only be an option in the General Agriculture zoned district and would require a Special Use Permit.

With regard to the approved water and sewer systems, Ms. Sorrells asked if those would be individual systems or a system for the entire development.

Ms. Earhart answered the entire park.

Ms. Sorrells asked if there was any requirement that these units would have to have heat.

Ms. Earhart stated these units do not have to meet the building code, but they do have to meet the ANSI Standard.

The Vice chairman declared the public hearing open.

There being no other speakers, the Vice-Chairman declared the public hearing closed.

Mr. Beyeler stated with being on the Ordinance Review Committee, he and staff have been working on this ordinance for some time. He explained he met with a gentleman last week who frequently travels to Florida and is familiar with this type of development.

Mr. Beyeler moved, seconded by Mr. Garber, that the Board adopt the following ordinance:

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT OF RECREATIONAL VEHICLE PARK ZONING DISTRICTS

WHEREAS, the Board of Supervisors has deemed it desirable to provide regulations for the establishment of Recreational Vehicle Park Districts as part of the Augusta County Zoning Ordinance;

NOW BE IT RESOLVED, the Board of Supervisors enacts and adopts a new Article XXIV to the Augusta County Zoning Ordinance to read as follows:

CHAPTER 25. ZONING.

DIVISION D. MULTIPLE RESIDENTIAL DWELLING DISTRICTS.

Article XXIV. Recreational Vehicle Park (RVP) Districts.

June 22, 2011, at 7:00 p.m.

RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT (cont'd)

CHAPTER 25. ZONING.

DIVISION D. MULTIPLE RESIDENTIAL DWELLING DISTRICTS.

Article XXIV. Recreational Vehicle Park (RVP) Districts.

§ 25-241. Purpose.

Recreational Vehicle Park Districts are intended to allow residential development in the form of recreational vehicle parks where lots are not owned by individual recreational vehicle or cabin owners.

§ 25-242. Permitted uses.

The following uses are permitted within Recreational Vehicle Park Districts without Administrative or Special Use Permit:

A. Recreational vehicles utilized as single-family dwellings. All recreational vehicles shall meet the definition of a self-contained unit set out in § 25-4.

B. Cabins utilized as single-family dwellings. All cabins shall meet the definition of an extended-stay cabin set out in § 25-4.

C. Passive recreational facilities not requiring a building.

D. Religious institutions.

§ 25-243. Accessory buildings and uses.

A. Accessory buildings and uses customary and clearly incidental to a permitted use, including accessories to recreational vehicle parks as well as individual dwelling units, and which will not create a nuisance or hazard, shall be permitted in Recreational Vehicle Park Districts, subject to the applicable provisions of article V of division A of this chapter.

B. Accessory buildings and structures not exceeding twenty feet (20') in height nor an aggregate area of nine hundred square feet (900 sq. ft.) may be erected in side and rear yards. However, in no case shall any accessory building be larger than the footprint of the recreational vehicle or taller than the height of the recreational vehicle or cabin. Accessory buildings and structures must meet the applicable side and rear yard requirements of § 25-247.

§ 25-244. Use permitted by Administrative Permit.

No additional uses are permitted by Administrative Permit.

§ 25-245. Uses permitted by Special Use Permit.

No additional uses are permitted by Special Use Permit.

§ 25-246. Uses prohibited.

All uses except those listed in §§ 25-242, 25-243, 25-244 and 25-245 above, including manufactured and mobile homes, are specifically prohibited in Recreational Vehicle Park Districts.

§ 25-247. Regulations applicable to recreational vehicle parks.

Recreational vehicle parks shall be designed and constructed in accordance with the following:

A. The minimum recreational vehicle park area shall be ten acres (10 ac.).

B. The maximum density of recreational vehicles shall be six (6) per acre.

June 22, 2011, at 7:00 p.m.

RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT (cont'd)

C. The setback and yard requirements for all buildings and structures, including recreational vehicles, shall be as follows:

1. Front lot lines of the park.

a. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of a public street identified by the Virginia Department of Transportation as an arterial or collector street than fifty feet (50').

b. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any other public or private street than twenty feet (20').

c. In the absence of proof to the contrary, the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.

d. If the park fronts on two (2) or more streets, the foregoing minimum setbacks shall be required on all streets upon which the park fronts.

NOTE: For setbacks applicable along internal roads serving the park, see subsection 4 below.

2. Rear lot lines of the park.

No building or structure shall be erected, altered, located, reconstructed or enlarged nearer to the rear lot lines of a recreational vehicle park than twenty-five feet (25').

3. Side lot lines of the park.

No building or structure shall be erected, altered, located, reconstructed or enlarged nearer to the side lot lines of a recreational vehicle park than twenty-five feet (25').

4. Front yards of recreational vehicle spaces.

No recreational vehicle shall be placed and no building or structure shall be erected, altered, located, reconstructed or enlarged nearer than twenty feet (20') to the edge of a sidewalk where four feet (4') wide paved sidewalks are provided, or twenty-five feet (25') from the edge of pavement, where no such sidewalks are provided. Front yards shall be clear and unobstructed by tongues, accessories, or other items.

5. Side and rear yards of recreational vehicle spaces.

Side yards adjacent to a street shall be clear and unobstructed by accessories or other items. Tongues are permitted in side yards.

a. The minimum distance between recreational vehicles, including any additions thereto, shall be:

i. Fifteen feet (15') where the recreational vehicles are placed substantially end-to-end, or

ii. Thirty feet (30') in all other cases.

b. The minimum distance between accessory buildings and structures and decks, awnings, steps, porches, and other attachments to the recreational vehicles and similar features on neighboring recreational vehicle spaces shall be eight feet (8').

D. All recreational vehicle sites shall be numbered with the number of each lot clearly displayed in a manner visible from the street.

E. Public and private streets shall be named.

F. Street name signs meeting Augusta County Design Standard 80-4 shall be erected at all street intersections.

June 22, 2011, at 7:00 p.m.

RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT (cont'd)

G. Private streets shall meet the following standards and specifications:

1. The minimum pavement width shall be eighteen feet (18'). Pavement width shall not include curb and gutter and shall meet the requirements of subparagraph 3 of this section.

2. The subbase and the base course shall meet the minimum specifications promulgated by the Virginia Department of Transportation.

3. The surface course shall meet the minimum standards for asphalt surface treatment promulgated by the Virginia Department of Transportation.

4. All banks and ditches shall be appropriately stabilized immediately upon completion of the work in accordance with the minimum standards promulgated pursuant to the Virginia Erosion and Sediment Control Law and Regulations.

5. Streets shall be designed to safely accommodate fire and rescue emergency vehicles.

6. The right-of-way of private streets shall be at least thirty feet (30') in width as evidenced by a duly recorded document or deed covenant, or both, which shall specify that no request will be made to have the lot served by a public street unless and until the street has been designed and constructed at no cost to the county or the Virginia Department of Transportation, to the then current standards for streets. Such document shall also specify the provisions for the construction, maintenance, and upkeep of private streets.

H. Every recreational vehicle site shall be at least five thousand square feet (5000 sq. ft.) in size and shall have direct vehicular access to the abutting required street or road system.

I. Two (2) off-street parking spaces, as required by article III of division A of this chapter shall be provided for each recreational vehicle site. No on-street parking shall be permitted.

J. Guest parking and parking at the school bus pick-up point(s) shall be provided in the park. In addition to the required parking for individual recreational vehicle units, an amount equal to 10% of the required parking spaces shall be provided. These requirements may be modified or waived in an individual case if the Board of Supervisors finds upon presentation of a parking study or similar documentation from the applicant that the public health, safety, or welfare would be equally or better served by the modification or waiver; that the modification or waiver would not be a departure from design practice; and that the modification or waiver would not otherwise by contrary to the purpose and intent of this chapter. In granting a modification or waiver, the Board of Supervisors may impose such conditions as deemed necessary to protect the public health, safety, or welfare.

K. No recreational vehicle site shall be sold or otherwise conveyed as a separate lot or condominium unit.

§ 25-248. Electricity, public water and sewer required.

A. All recreational vehicle sites shall be served by electricity, a public water supply, and a public sewer system; and

B. All recreational vehicles shall connect to the recreational vehicle site's electricity, public water supply, and public sewer system.

§25-249. Curb, gutter and sidewalks/trails optional.

Curb, gutter, and sidewalks/trails are optional. All recreational vehicle sites that have curb, gutter, and sidewalks must meet the applicable standards of the Virginia Department of Transportation (VDOT), or curb and gutter provided to the applicable standards of VDOT and internal pedestrian pathways or trails approved by the Augusta County Parks and Recreation Commission. Adequate provisions shall be made for the perpetual maintenance of such pathways or trails.

§ 25-250. Common elements.

Where common elements are part of a development in Recreational Vehicle Park Districts, they shall be established and evidenced by documents duly recorded prior to the lease or sale of any lot, structure, or use in the development. Such documents shall also specify the provisions for participation in and construction, maintenance, and upkeep of all such common elements. For purposes of this section, common elements shall include all facilities, open areas, and other uses of property in which individual lots,

June 22, 2011, at 7:00 p.m.

RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT (cont'd)

structures, uses, owners, or tenants have a beneficial interest in common with others.

§ 25-250.1. Minimum single-family dwelling sizes.

In Recreational Vehicle Park Districts, recreational vehicles or cabins may be smaller than the minimum size of single-family dwellings required by § 25-12 of division A of this chapter.

§ 25-250.2. Site Plan required.

A site plan meeting the requirements of division J article LXVII "Site Plan Review" shall be submitted and approved prior to the approval of any building, placement, or other development permit.

§ 25-250.3. Height limitations.

In Recreational Vehicle Park Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed thirty-five feet (35') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface, and conical surface as required in any Airport Overlay District.

C. For exceptions to height limitations, see § 25-15 of article II, division A, of this chapter.

Sections 25-251 through 25-260 reserved.

Article XXV reserved.

Mr. Pyles predicted this will become an issue in the future. Mr. Pyles stated just because there is no public here to oppose the ordinance does not mean it will not create an issue in the future. He stated everyone is familiar with campgrounds and how they can become "substandard subdivisions". He explained what works in Florida may not work in Augusta County. With the current economic conditions, Mr. Pyles stated he supports the ordinance as it may be necessary for someone to live in a camper, but he has no illusions this ordinance is not going to create situations in the future that citizens will be upset about.

Ms. Sorrells commented she understands while the purpose of this ordinance is to cater to those that wish to stay on lots for longer periods of time for recreational purposes she agrees with Mr. Pyles that the County is setting itself up for substandard housing. While the water and sewer requirement may alleviate the problem to some degree, she foresees issues with heating the units.

Mr. Beyeler shared the same concern regarding the creation of substandard housing. He recommended approving the district and if that becomes a problem in the future it can be addressed at that time. Mr. Beyeler stated the goal is to create affordable housing.

Mr. Howdyshell stated approving this district gives him an "uneasy feeling". He explained the concept of recreation is different for each individual. He stated this district may create problems in the future.

Ms. Sorrells commented the purpose of this district is to create an rv park for people to engage in recreation, but it seems the idea is to create a district where people can live who cannot afford to live anywhere else. She asked if this district is "being created for one thing, but being opened up for something else". She warned once this is open, it is going to be difficult to undo.

June 22, 2011, at 7:00 p.m.

RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT (cont'd)

Vote was as follows:	Yeas:	Howdyshell, Garber, Beyeler, Pyles and Coleman
	Nays:	Sorrells
	Abstain:	Shifflett

Motion carried.

* * * * * * * * * * * * * * * * *

EXTENDED STAY CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT (cont'd)

Mr. Beyeler moved, seconded by Mr. Howdyshell, that the Board adopt the following ordinance:

AN ORDINANCE TO ADD CERTAIN DEFINITIONS AND ALLOWING EXTENDED STAY RECREATIONAL VEHICLE PARKS BY SPECIAL USE PERMITS IN GENERAL AGRICULTURE DISTRICTS

WHEREAS, the Board of Supervisors has deemed it desirable to provide regulations for the establishment of Extended-stay Recreational Vehicle Park Districts by Special Use Permits in Agriculture Zones; and

WHEREAS, the amendments to the Zoning Ordinance would be more easily understood with the addition of certain definitions to the Ordinance;

NOW THEREFORE, be it resolved by the Board of Supervisors of Augusta County that Section 25-4 of the Augusta County Code is amended by adding the following new definitions and Section 25-74 of the Augusta County Zoning Ordinance is amended by adding language to read as follows:

CHAPTER 25. ZONING.

DIVISION A. IN GENERAL.

Article I. General Provisions.

Add to § 25-4. Definitions.

Camp host. A manager or employee of a campground or recreational vehicle park who resides onsite.

Extended-stay cabin. A cabin at a campground that: (1) is designed primarily as a temporary living accommodation for recreational, camping, and travel use; and (2) contains a water-flushed toilet, lavatory, shower, and kitchen sink as an integral part of the structure. Extended-stay cabins must meet the ANSI 119.5 standard for recreational park trailers.

Extended-stay campground. A campground in which guests may occupy extended-stay cabins on the same property more than twenty-one (21) days within any two-month period or more than forty-five (45) days within any twelve-month period. Maximum duration of guest occupancy on the same property is limited to one hundred eighty (180) days within any twelve-month period.

Extended-stay recreational vehicle park. A recreational vehicle park in which guests may occupy self-contained units on the same property more than twenty-one (21) days within any two-month period or more than forty-five (45) days within any twelve-month period. Maximum duration of guest occupancy on the same property is limited to two hundred forty (240) days within any twelve-month period.

Extended-stay recreational vehicle site. Any recreational vehicle site equipped for use by a self-contained unit, containing hook-up points for electricity and an approved water and sewer system.

Non-self-contained unit. A unit which is dependent upon a service building for toilet and lavatory facilities.

Recreational vehicle site. Any plot of ground within a recreational vehicle park intended for exclusive occupancy by one (1) recreational vehicle under the control of the occupant.

Self-contained unit. A self-contained vehicular-type portable structure without permanent foundation that: (1) is designed primarily as a temporary living accommodation for recreational, camping, and travel use; and (2) contains a water-flushed toilet, lavatory, shower, and kitchen sink as an

June 22, 2011, at 7:00 p.m.

EXTENDED STAY CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT (cont'd)

integral part of the structure. Self-contained units must meet the ANSI 119.2 standard for recreational vehicles or the ANSI 119.5 standard for recreational park trailers. For the purposes of this chapter, camper shells, conversion vans, manufactured homes, mobile homes, pop-up trailers, tents, truck campers, or other vehicles converted for use as a temporary living accommodation shall not be deemed to be a self-contained unit.

Short-term cabin. A cabin at a campground that: (1) is designed primarily as a temporary living accommodation for recreational, camping, and travel use; and (2) is not equipped with a water-flushed toilet, lavatory, shower, and kitchen sink as an integral part of the structure.

Short-term campground. A campground in which guests occupy short-term tents or cabins on the same property fewer than twenty-one (21) days within any two-month period or fewer than forty-five (45) days within any twelve-month period.

Short-term recreational vehicle park. A recreational vehicle park in which guests occupy recreational vehicles or short-term cabins on the same property fewer than twenty-one (21) days within any two-month period or fewer than forty-five (45) days within any twelve-month period.

Short-term recreational vehicle site. Any recreational vehicle site that is not equipped for use by a self-contained unit.

CHAPTER 25. ZONING.

DIVISION B. AGRICULTURE DISTRICTS.

Article VII. General Agriculture (GA) Districts.

§ 25-74. Uses permitted by Special Use Permit.

The uses listed in this section shall be permitted within General Agriculture Districts upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

****

N. Short-term campgrounds and short-term recreational vehicle parks.

Short-term campgrounds and short-term recreational vehicle parks may be permitted by Special Use Permit provided:

1. Anticipated attendance will not create traffic or crowd control problems at or near the site beyond practical solution; and

2. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate persons in attendance; and

3. There will be full compliance with Virginia Department of Health regulations with respect to food and water service; and

4. There is an adequate plan for providing emergency medical services for persons in attendance; and

5. There is an adequate plan for parking and crowd and traffic control in and around the site; and

6. There is an adequate plan for protection from fire and other hazards; and

7. The business meets the requirements of article VI "Outdoor Lighting"; and

8. There is an adequate plan to ensure that structures, grandstands, tents and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety; and

9. The campground or park is at least ten (10) acres in size. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site; and

June 22, 2011, at 7:00 p.m.

EXTENDED STAY CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT (cont'd)

10. The density shall be no more than ten (10) sites per acre. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to limit the density of the campground or park; and

11. There shall be a minimum of fifty feet (50') of undeveloped land along the total perimeter of the campground or park; and

12. All sites and facilities within the campground or park shall be served by a public water and sewer system or systems approved by the Virginia Department of Health. In no case shall portable toilets be permitted within a campground for anything more than temporary use defined as no more than four (4) days in any thirty (30) day period of time; and

13. Camp hosts may reside at a campground or park year-round, without regard to guest occupancy time limits. A campground or park may have one camp host per fifty (50) campsites. For purposes of this calculation, the number of campsites shall be rounded up to the next multiple of fifty (50). If a camp host resides in a recreational vehicle, the recreational vehicle must meet the definition of a self-contained unit as set out in § 25-4 and shall connect to an electricity supply and approved water and sewer system; and

14. The operator shall keep a guest register tracking occupancy data for all guests. This information shall be recorded on a standard form provided by the County and shall be made available for inspection on demand; and

15. The operator of a short-term campground or short-term recreational vehicle park may permit storage of unoccupied recreational vehicles year-round; and

16. The campground or park shall have approval by the Virginia Department of Transportation (VDOT) and have direct access off a state maintained road. For facilities with one hundred (100) or more sites, a second access for emergency vehicles shall be provided. The second access may be gated.

Q. Extended-stay campgrounds and extended-stay recreational vehicle parks.

Extended-stay campgrounds and extended-stay recreational vehicle parks may be permitted by Special Use Permit provided:

1. Anticipated attendance will not create traffic or crowd control problems at or near the park beyond practical solution; and

2. There is an adequate plan for sanitation facilities, garbage, and trash to accommodate persons in attendance; and

3. There is full compliance with Virginia Department of Health regulations with respect to food and water service; and

4. There is an adequate plan for providing emergency medical services for persons in attendance; and

5. There is an adequate plan for parking and crowd and traffic control in and around the park; and

6. There is an adequate plan for protection from fire and other hazards; and

7. The business meets the requirements of article VI "Outdoor Lighting"; and

8. There is an adequate plan to ensure that structures, grandstands, tents, and amusement devices are constructed and maintained in a manner consistent with appropriate protection of public safety; and

9. The campground or park is at least ten (10) acres in size. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger acreage; and

10. The density shall be no more than ten (10) campsites/recreational vehicle sites per acre. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to limit the density of the campground or park; and

11. There shall be a minimum of fifty feet (50') of undeveloped land along the total perimeter of the campground or park; and

June 22, 2011, at 7:00 p.m.

EXTENDED STAY CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT (cont'd)

12. The campground or park may contain campsites that are not extended-stay recreational vehicle sites or extended-stay cabins as defined in § 25-4 if the operator obtains a permit under subsection (N) of this section for a short-term campground or short-term recreational vehicle park; and

13. The operator shall submit to the Zoning Administrator a map of the campground or park (1) showing all campsites, (2) indicating the classification of each campsite as a tent site, short-term cabin, short-term recreational vehicle site, extended-stay cabin, or extended-stay recreational vehicle site, and (3) showing and identifying all other facilities; and

14. All campsites classified as extended-stay recreational vehicle sites or extended-stay cabins shall be served by: (1) electricity and (2) a water and sewer system approved by the Virginia Department of Health; and

15. All recreational vehicles occupying extended-stay recreational vehicle sites shall meet the definition of a self-contained unit as set out in § 25-4; and

16. All recreational vehicles occupying extended-stay recreational vehicle sites shall connect to the site's electricity supply and approved water and sewer system; and

17. The operator shall inspect all occupied extended-stay recreational vehicle sites to ensure that the recreational vehicles occupying the sites are properly connected to the site's electricity supply and approved water and sewer system; and

18. The operator shall enforce time limits set out in § 25-4 for guest occupancy for each type of campsite; and

19. The operator shall keep a guest register tracking occupancy data for all guests. This information shall be recorded on a standard form provided by the County and shall be made available for inspection on demand; and

20. The operator of a recreational vehicle park may permit storage of unoccupied recreational vehicles year-round; and

21. Camp hosts may reside at a campground or park year-round, without regard to guest occupancy time limits. A campground or park may have one camp host per fifty (50) campsites. For purposes of this calculation, the number of campsites shall be rounded up to the next multiple of fifty (50). If a camp host resides in a recreational vehicle, the recreational vehicle must meet the definition of a self-contained unit as set out in § 25-4 and shall connect to an electricity supply and approved water and sewer system; and

22. The campground or park shall have approval by the Virginia Department of Transportation (VDOT) and have direct access off a state-maintained road or be connected to a state-maintained road by a private street. For facilities with one hundred (100) or more campsites, a second access for emergency vehicles shall be provided. The second access may be gated; and

23. Private streets shall meet the following standards and specifications:

a. The minimum street width shall be eighteen feet (18'). Street width shall not include curb and gutter and shall meet the requirements of subparagraph 3 of this section.

b. The subbase and the base course shall meet the minimum specifications promulgated by the Virginia Department of Transportation.

c. The surface course may be asphalt or gravel. If asphalt, the surface course shall meet the minimum standards for asphalt surface treatment promulgated by the Virginia Department of Transportation.

d. All banks and ditches shall be appropriately stabilized immediately upon completion of the work in accordance with the minimum standards promulgated pursuant to the Virginia Erosion and Sediment Control Law and Regulations.

EXTENDED STAY CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS – ZONING ORDINANCE AMENDMENT (cont'd)

e. Streets shall be designed to safely accommodate fire and rescue emergency vehicles.

Mr. Howdyshell commented this will be an added bonus to parks such as Natural Chimneys by permitting this option it would allow people to leave their campers on site without having to move them every couple of weeks.

Ms. Sorrells stated she supports the amendment as it gives people the option to stay longer at campgrounds in the County. She stated however the amendment has gone from allowing "too little" to allowing "too much". Ms. Sorrells questioned what mechanism is in place to prevent these campgrounds from becoming a subdivision for migratory workers. She suggested reducing the 240 day requirement.

Vote was as follows:	Yeas:	Howdyshell, Sorrells, Garber, Beyeler, Pyles and Coleman
	Nays:	None
	Abstain:	Shifflett

Motion carried.

* * * * * * * * * * * * * * * * *

RURAL CONSERVATION DISTRICT – ZONING ORDINANCE AMENDMENT

This being the day and time advertised to consider an Ordinance amending the Zoning Ordinance of Augusta County by establishing a new district entitled "Rural Conservation District". The Planning Commission recommends approval of the district with amended language under § 25-4 Definition of "Preservation Tract" to require the tract to be preserved by a conservation easement.

Kimberly Bullerdick, Associate Planner, explained the district allows property owners that might otherwise develop using traditional Rural Residential zoning the opportunity to develop on land without losing all its existing farming or rural characteristics. She stated the key component of the district is land preservation. Ms. Bullerdick explained the changes recommended by the Planning Commission are to define "Preservation tract as a lot, the use and diminishment of which is restricted and protected by ~~legal arrangements~~ *deed of conservation easement* to insure its maintenance and preservation for the purposes of preservation of agricultural and forestal land and activity, water supply protection, and/or conservation of natural, scenic or historic resources" and to further reiterate the preservation tracts must be protected by a conservation easement under the Standards Section. She explained the Commission felt the above changes would provide a mechanism to protect the preservation tracts. Ms. Bullerdick summarized the district. She explained the district includes a minimum development size of at least 200 acres with a total preservation area of at least 70% of the gross acreage. She stated the overall density is 1 lot per 10 acres with a minimum lot size of 2 acres. Ms. Bullerdick explained the lots can be served by either public or private streets and private utilities. At the time of rezoning, Ms. Bullerdick stated a Master Plan (concept plan) and an Existing Features and Site Analysis Plan must be submitted. Ms. Bullerdick further explained this district is proposed to be included in the Agriculture Districts in the Zoning Ordinance. Specifically, she explained open space or preservation tracts can be farmland, sensitive environmental areas, shared facilities such as barns, trails, gardens etc. Ms. Bullerdick stated this zoning will only be allowed in Rural Conservation Areas as designated on the Comprehensive Plan. These are areas which are substantially subdivided and have no water or sewer service available. Farming and agricultural related uses are allowed in the district and the land use taxation option would still be available if that was something the landowner wanted. In conclusion, she displayed an example to the Board of what the proposed district may look like if a developer were to choose that option.

RURAL CONSERVATION DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

Ms. Sorrells asked if this district were only allowed in the Rural Conservation Areas as designated in the Comprehensive Plan.

Ms. Bullerdick answered yes.

Ms. Sorrells discussed the state requirement concerning cluster development. She clarified while the cluster development does not require rezoning, this district would require a rezoning.

In regards to cluster developments, Mr. Howdyshell asked if this option would replace the option for cluster developments.

Ms. Bullerdick answered no.

The Chairman declared the public hearing open.

Jeff Gentry, EGS and Associates, 15 Terry Street, Staunton, voiced support for the creation of this district. He stated the district will provide another tool for development and may prevent property owners from "carving lots" from agriculture land while preserving open space in the County.

Larry Wills stated he supports the concept of preserving open space, but voiced concern with the private roads in the developments. From experience, he noted issues with responsibility for the upkeep and maintenance of the roads and explained that may be an item that would need to be proffered during the rezoning phase of development.

Ms. Earhart responded to Mr. Wills, stating the issue is addressed in the ordinance.

There being no other speakers, the Chairman declared the public hearing closed.

Mr. Beyeler stated he supports the district, but he does not support requiring the preservation tracts to be put into a conservation easement. He explained the ordinance will require 70% of the total acreage to be open space and whether or not that space is put into a conservation easement should be the decision of the property owner. He moved to approve the district as originally submitted.

Ms. Sorrells seconded the motion that the Board adopt the following ordinance. With regard to requiring the conservation easement, she asked if the district is approved, wouldn't the deed act in the same manner with regard to conservation.

Ms. Earhart answered the Planning Commission's logic for the conservation easement was to allow for a more thoughtful process with regard to the placement of the houses, etc. and insuring that the open space would be something worthy of preservation. If worked out ahead of time, the development would achieve the purposes listed in §25-91 Items A-F.

Mr. Beyeler commented if the remaining open space can be farmed, he does not support putting any further restrictions on the property, so as long as the 70% is preserved.

Mr. Garber stated this district may be protecting open space, but it is an illusion if one feels it is protecting farmland.

RURAL CONSERVATION DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

Mr. Howdyshell agreed with Mr. Garber. He explained agricultural uses irritate "non-farmers".

Ms. Sorrells questioned if the preservation of the parcel is done by deed, would that be in perpetuity.

Mr. Morgan answered if the agreement was drawn up in the deed, it would be "tied up for a long time" but, he stated he would not go as far as to say it would be in a perpetual state, but it would get a "maximum restriction".

Chairman Shifflett stated he agrees with Mr. Garber in that protecting farmland and preserving open space are two different things. He explained the district "looks good and sounds good on paper, but it is just another tool in allowing development in our rural areas".

AN ORDINANCE TO ESTABLISH REGULATIONS FOR RURAL CONSERVATION DISTRICTS AS PART OF THE AUGUSTA COUNTY ZONING ORDINANCE

WHEREAS, the Board of Supervisors for Augusta County has deemed it desirable to create a new zoning district for Rural Conservation;

NOW BE IT resolved that Section 25-4 of the Augusta County Zoning Ordinance is amended by adding the following definition:

Add to definitions in §25-4:

Preservation tract. A lot, the use and diminishment of which is restricted and protected by legal arrangements to insure its maintenance and preservation for the purposes of preservation of agricultural and forestal land and activity, water supply protection, and/or conservation of natural, scenic or historic resources.

BE IT FURTHER resolved that a new Article to Division B of the Zoning Ordinance is enacted and adopted to read as follows:

Article IX. Rural Conservation (RC) Districts.

§ 25-91. Purposes.

A. To preserve the rural landscape, character, sensitive natural areas, farmland, and other large areas of open space, while permitting residential development at low, rural densities in an open space setting.

B. To encourage more effective land usage than can be achieved under the minor subdivision process in terms of the goals and objectives for the rural areas of the county as set forth in the comprehensive plan. Eligibility for land use taxation shall be the same for this district as in the General Agriculture District.

C. To preserve large tracts of land through the creation of preservation tracts that are reasonably contiguous and avoid fragmentation so that the County's agricultural and scenic areas are not divided into numerous small parcels.

D. To maximize the development potential of non-sensitive areas of the land and minimize land disturbance by generally grouping residential lots together when possible.

E. To preserve open fields, woodlands or pastures that could otherwise be developed and instead utilize them as natural open space or productive farmland or forestry uses.

F. To protect and preserve floodplains and wetlands from clearing, grading, filling, or construction (except as may be approved by the county for essential infrastructure or active or passive recreation amenities).

§ 25-92. Density, area and minimum standards.

June 22, 2011, at 7:00 p.m.

RURAL CONSERVATION DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

A. Minimum district size. A Rural Conservation District shall contain a minimum of two hundred (200) contiguous acres of land.

B. Minimum lot area. The minimum lot area for any lot in a Rural Conservation District shall be two (2) acres.

C. Lot yield. The total gross density within a Rural Conservation District shall not exceed one (1) lot per ten (10) acres. Such density calculation shall include both the residential and preservation tracts. At least seventy percent (70%) of the gross acreage of the district must be contained in preservation tracts which must be permanently preserved.

1. Once created, no lot within a Rural Conservation District may be further subdivided or otherwise redeveloped except in accordance with the requirements of this district. For the purposes of the section, a boundary line adjustment or deed of trust shall not count as a resubdivision.
2. A note/deed restriction prohibiting resubdivision shall be recorded for each applicable lot prior to plat approval.

D. Minimum lot frontage. Every lot shall have at least thirty feet (30') of frontage on a public or private street internal to the development.

E. Ownership. A homeowners association or property owners association shall be established.

§ 25-93. Permitted uses on residential lots.

The following uses shall be permitted on the residential lots without Administrative or Special Use Permit:

A. One (1) single family dwelling and certain group homes required to be permitted by state law.

B. Limited agriculture as defined by this chapter, but not including poultry and swine, provided that the lot is at least five (5) acres in area.

C. Passive recreational facilities not requiring a building.

§ 25-94. Permitted uses on preservation tracts.

The following uses shall be permitted on the preservation tracts without Administrative or Special Use Permits:

A. Agriculture related uses, including but not necessarily limited to: wildlife areas, game refuges (where shooting wildlife is not allowed), forestry, forest preserves, stables and riding academies and fish hatcheries.

B. One (1) single family dwelling and certain group homes required to be permitted by state law.

C. Passive recreational facilities not requiring a building.

§ 25-94.1. Accessory buildings and uses on residential lots and preservation tracts.

Accessory buildings and uses customary and clearly incidental to a permitted use and which will not create a nuisance or hazard shall be permitted on the residential lots and preservation tracts, subject to the applicable provisions of article V of division A of this chapter.

§ 25-94.2. Uses permitted by Administrative Permit on residential lots.

The uses listed in this section shall be permitted within Rural Conservation Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter. Administrative permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an

RURAL CONSERVATION DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

All applications for Administrative Permit within Rural Conservation Districts must first obtain written permission for the use from the Homeowners Association (HOA) or other such entity representing the whole of residents living within the district before applying for any Administrative Permit.

A. Home occupations, Class B.

Home occupations Class B, may be permitted by Administrative Permit provided:

1. The use of the home for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and
2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee that comes to the home. The business can have multiple employees who do not come to the home; and
3. If the applicant is a tenant, written permission of the landowner is required; and
4. The use is conducted within the home or the use may occupy up to five hundred square feet (500 sq. ft.) of an accessory structure. All goods, equipment, and materials related to the home occupation must be stored indoors, within the accessory building, or on a single utility trailer with a trailer bed not to exceed sixteen feet (16') in length; and
5. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:
    a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.

    b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.
6. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted, other than on the utility trailer listed above. Any animals associated with a permitted home occupation, e.g. pet grooming business; must be kept indoors; and
7. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and
8. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and
9. All parking associated with the business shall be off-street and not located in a required front yard, except within the existing driveway; and
10. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one (1) commercial vehicle per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Class B home occupations: trash and garbage collection, small engine repair, motor vehicle repair, boarding house, day care centers, private schools, firearm sales, and landscaping businesses.

B. Day care home occupations.

Day care home occupations may be permitted by Administrative Permit provided:

1. The use of the dwelling for the day care home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four square feet (4 sq. ft.) in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and one (1) employee who comes to the home; and

3. Play equipment and similar facilities may be used; and

4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and

5. All parking associated with the business shall be off-street and not located in any required front yard, except within an existing driveway; and

6. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and

RURAL CONSERVATION DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

7. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

a. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

b. Action if no objection received.

If no written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

C. Attached accessory dwelling units.

One (1) apartment constituting an attached accessory dwelling unit within what would otherwise be a single-family dwelling may be permitted by Administrative Permit provided:

1. It is attached by sharing one (1) common wall. In no case shall an enclosed or unenclosed breezeway be considered a common wall for the purposes of attaching an accessory dwelling unit to a dwelling; and

2. The apartment contains no more than six hundred square feet (600 sq. ft.) or forty percent (40%) of the amount of square footage in the footprint of the principal dwelling, whichever is greater, but not to exceed nine hundred square feet (900 sq. ft.); and

3. Exterior entrances to the apartment are on the side or rear only; and

4. There shall be no more than one (1) accessory dwelling unit, attached or detached, per principal dwelling; and

5. The owner of record personally resides in either the principal or accessory dwelling unit on the property. If this standard cannot be met, the accessory dwelling unit may be allowed only upon the approval of a Special Use Permit by the board of zoning appeals under § 25-94.4.E; and

6. The Building Inspection Department has indicated that either a Building Permit is not required, or a Building Permit can be issued for the apartment once the Administrative Permit has been approved; and

7. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and

8. All parking shall be accommodated on-site.

D. Detached accessory dwelling attached to an accessory building.

One (1) apartment constituting a detached accessory dwelling unit may be permitted by Administrative Permit as an accessory to a single-family dwelling provided:

1. There shall be no more than one (1) accessory dwelling unit, attached or detached, per principal dwelling; and

2. The accessory dwelling unit is less than nine hundred square feet (900 sq. ft.), but in no case shall it be larger than the footprint of the principal dwelling or the structure to which it is attached; and

3. The accessory dwelling unit is attached to an accessory building which is accessory to an occupied principal dwelling; and

RURAL CONSERVATION DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

4. The owner of record personally resides in either the principal or accessory dwelling unit on the property. If this standard cannot be met, the accessory dwelling unit may be allowed only upon the approval of a Special Use Permit by the board of zoning appeals under § 25-94.4.E; and

5. The Building Inspection Department has indicated that either a Building Permit is not required, or a Building Permit can be issued for the apartment once the Administrative Permit has been approved; and

6. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and

7. All parking shall be accommodated on-site.

§ 25-94.3. Uses permitted by Administrative Permit on preservation tracts.

The uses listed in this section shall be permitted within Rural Conservation Districts only upon the issuance of an Administrative Permit by the Zoning Administrator pursuant to the provisions of article LVI of division I of this chapter Administrative permits are to be issued only for uses where the applicant can demonstrate that the proposal meets the standards required by this chapter and the uses will not have an undue adverse impact on the surrounding neighborhood. Among matters to be considered in this connection are traffic congestion, noise, lights, dust, odor, fumes, and vibration.

All applications for Administrative Permit within Rural Conservation Districts must first obtain written permission for the use from the Homeowners Association (HOA) or other such entity representing the whole of residents living within the district before applying for any Administrative Permit.

A. Off-site sale of seasonal items**.**

Off-site sale for more than fifteen (15) days of seasonal items such as Christmas trees, fireworks, farm produce grown off premises, or other items which by their nature are sold primarily during certain times of the year, may be permitted by Administrative Permit provided:

1. The sale is for a stated limited period of time not to exceed ninety (90) days in any one (1) year period; and

2. Adequate provisions are made for off-street parking, and the sale will not disrupt traffic in the neighborhood beyond practical solution; and

3. Approval by the Virginia Department of Transportation; and

4. No site plan as provided in § 25-672 of this chapter shall be required. However, the Zoning Administrator may require a sketch plan to be submitted in order to determine compliance with this section; and

5. The applicant for such permit shall provide written evidence of the approval of the owner of the property on which such sale is to be conducted; and

6. No such sale, if conducted on the site of an existing development, shall infringe upon any parking spaces required for such development. The Zoning Administrator shall determine that sufficient and accessible off-street parking spaces are available to serve the patrons of such operation prior to its authorization.

B. Greenhouses, nurseries and tree farms, where products grown on the premises are sold to the public.

Greenhouses, nurseries, or tree farms may be permitted by Administrative Permit provided:

1. At least seventy-five percent (75%) of the products sold on the premises must be made or grown on the premises. Where twenty-five percent (25%) or more of the products sold on the property are not made or grown on the premises, the use shall be subject to district regulations applicable to agriculture support businesses; and

2. Approval by the Virginia Department of Transportation; and

3. Adequate provisions are made for off-street parking, and the sale will not disrupt traffic in the neighborhood; and

4. All parking, buildings, structures, and materials placed or stored on the site shall be set back a minimum of twenty-five feet (25') from all side and rear boundaries.

C. Home occupations, Class B.

Home occupations, Class B may be permitted by Administrative Permit provided:

June 22, 2011, at 7:00 p.m.

RURAL CONSERVATION DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

1. The use of the dwelling shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling or lot, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four (4) square feet in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and no more than one (1) employee who comes to the home. The business can have multiple employees who do not come to the home; and

3. If the applicant is a tenant, written permission of the landowner is required; and

4. The use is conducted within the home or the use may occupy up to five hundred (500) square feet of an accessory structure. All goods, equipment, and materials related to the Home Occupation must be stored indoors, within the accessory building, or on a single utility trailer with a trailer bed not to exceed sixteen feet (16'); and

5. No display of products made shall be visible from the street; and

6. No products shall be sold on the premises except such as are made on the premises. No other retail sales or wholesale sales shall occur unless:

a. No clients or customers come to the home in conjunction with the sales; all sales occur off-premises or via telephone, mail, computer, etc.; and

b. Items are accessory to the main use and sold only to clients or customers using the main business, e.g. shampoo for clients in a beauty or barber shop.

7. No outside display or storage of materials, goods, supplies, or equipment in relation to the home occupation shall be permitted, other than on the utility trailer permitted in subsection 5 above. Any animals associated with a permitted home occupation (e.g. pet grooming business) must be kept indoors; and

8. The occupation shall not generate more than ten (10) vehicular trips in a day. A trip consists of one (1) arrival and one (1) departure; and

9. Deliveries shall be limited to normal daily deliveries by public and private mail carriers, including USPS, Fed-Ex, UPS, and similar carriers; and

10. All parking associated with the business shall be off-street and not located in any required front yard, except within the existing driveway; and

11. No more than one (1) commercial vehicle may be used in conjunction with the home occupation. No more than one (1) commercial vehicle per dwelling shall be allowed pursuant to the requirements of § 25-54.1.N.

The following uses are not considered to be Home occupations, Class B: trash and garbage collection, small engine repair, motor vehicle repair, boarding houses, day care centers, private schools, firearm sales, and landscaping businesses.

D. Day care home occupations.

Day care home occupations may be permitted by Administrative Permit provided:

1. The use of the dwelling for the day care home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes. There shall be no change in the outside appearance of the dwelling, nor other visible evidence of the conduct of such home occupation other than one (1) sign no more than four (4) square feet in size; and

2. Such occupation shall be engaged in only by residents of the dwelling and one (1) employee who comes to the home; and

3. Play equipment and similar facilities may be used; and

4. No accessory building shall be used for such occupation, except for storage of play equipment when not in use; and

5. All parking associated with the business shall be off-street and not located in any required front yard, except within an existing driveway; and

6. Approval from the Department of Social Services or proof that such approval may be obtained pending zoning approval; and

7. Notification of adjoining property owners. Upon receipt of an application for an Administrative Permit for a day care home occupation, the Zoning Administrator shall send by certified mail written notice of such application to all adjoining property owners as shown on the current real estate assessment books.

c. Action if objection received.

If written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, the application shall be denied, and the applicant advised that the day care home occupation may commence only upon the approval of a Special Use Permit by the board of zoning appeals.

d. Action if no objection received.

If no written objection is received from an adjoining property owner within thirty (30) days following the mailing of said notice, and the applicant meets all other requirements of this section, the Zoning Administrator may approve the Administrative Permit.

E. Temporary use of a manufactured home as a dwelling during construction of a dwelling**.**

An owner may apply for an Administrative Permit to place or retain on a lot or tract a manufactured home for temporary residential purposes during the construction of a dwelling, provided:

1. The owner shall certify to the Zoning Administrator that the requirements of this section will be met; and

2. A building permit for the construction of a dwelling shall have been issued; and

3. Full bathroom facilities must be operational in the manufactured home and must be connected to public sewer or an operations permit has been issued by the Virginia Department of Health for an on-site sewage disposal system; and

4. When the dwelling is occupied, the manufactured home shall be vacated; and

5. The manufactured home shall be moved within thirty (30) days from the date the Certificate of Occupancy is issued for the permanent dwelling, and in no event later than eighteen (18) months from the date the building permit for said dwelling was issued.

F. Attached accessory dwelling units**.**

One (1) apartment constituting an attached accessory dwelling unit within what would otherwise be a single-family dwelling may be permitted by Administrative Permit provided:

1. It is attached by sharing one (1) common wall. In no case shall an enclosed or unenclosed breezeway be considered a common wall for the purposes of attaching an accessory dwelling unit to a dwelling; and

2. The apartment contains no more than six hundred square feet (600 sq. ft.) or forty percent (40%) of the amount of square footage in the footprint of the principal dwelling, whichever is greater, but not to exceed nine hundred square feet (900 sq. ft.); and

3. Exterior entrances to the apartment are on the side or rear only; and

4. There shall be no more than one (1) accessory dwelling unit, attached or detached, per principal dwelling; and

5. The owner of record personally resides in either the principal or an accessory dwelling unit on the property. If this standard cannot be met, the accessory dwelling unit may be constructed only upon approval of a Special Use Permit by the board of zoning appeals under § 25-94.4 E; and

RURAL CONSERVATION DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

6. The Building Inspection Department has indicated that either a permit is not required or one can be issued for the apartment; and

7. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and

8. All parking shall be accommodated on-site.

G. Detached accessory dwelling units attached to an accessory building.

One (1) apartment constituting a detached accessory dwelling unit attached to an accessory building may be permitted by Administrative Permit as an accessory to a single-family dwelling provided:

1. The lot or parcel contains at least two (2) acres; and

2. There shall be no more than one (1) accessory dwelling unit, attached or detached, per principal dwelling; and

3. The accessory dwelling unit contains less than nine hundred square feet (900 sq. ft.), but in no case shall it be larger than the footprint of the principal dwelling or the structure to which it is attached; and

4. The accessory dwelling unit is attached to an accessory building which is accessory to an occupied principal dwelling; and

5. Approval by the Virginia Department of Transportation; and

6. The owner of record personally resides in either the principal or an accessory dwelling unit on the property. If this standard cannot be met, the accessory dwelling unit may be constructed only upon approval of a Special Use Permit by the board of zoning appeals under § 25-94.4 E; and

7. The Building Inspection Department has indicated that either a permit is not required or one can be issued for the apartment; and

8. The dwellings are either connected to public sewer or the Virginia Department of Health has confirmed that the sewage disposal system is adequate for the proposed use; and

9. All parking shall be accommodated on site.

§ 25-94.4. Uses permitted by Special Use Permit on residential lots.

The uses listed in this section shall be permitted within Rural Conservation Districts on residential lots only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

All applications for Special Use Permit within Rural Conservation Districts must first obtain written permission for the use from the Homeowners Association (HOA) or other such entity representing the whole of residents living within the district before applying for any Special Use Permit.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any specific standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see § 25-584 of division I of this chapter.

RURAL CONSERVATION DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

B. Day care centers and nursery schools.

Day care centers and nursery schools may be permitted by Special Use Permit provided:

1. Designated areas for pick-up and delivery are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets; and

2. Proposed playgrounds are adequately fenced and subject to the same setback requirements as principal structures, unless the board of zoning appeals finds that greater setbacks are necessary in the interest of public safety and compatibility with the neighboring properties; and

3. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

C. Residential care facilities.

Residential care facilities may be permitted by Special Use Permit provided:

1. The facility and anticipated enlargements thereof will be appropriate for residential areas; and

2. The facility, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and

3. The permitting of the proposed facility, when taking into account the presence of other businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure; and

4. The applicant demonstrates compliance with state licensing requirements and all applicable federal, state, and local regulations.

D. Christmas tree farms where trees are sold to the public on site.

Christmas tree farms where trees are sold to the public on site may be permitted by Special Use Permit provided:

1. The tract or parcel is at least five (5) acres in size; and

2. The tract or parcel fronts on and has access from a state maintained road, or, if it fronts on a private road, the applicant has demonstrated that the private road is constructed and maintained to adequate standards so as to accommodate the anticipated traffic; and

3. Traffic generated by the proposed project will be compatible with the roads serving the site and other traffic utilizing said roads; and

4. On-site traffic flow will adequately and safely accommodate all traffic to and from adjoining and nearby streets and highways; and

5. Approval by the Virginia Department of Transportation.

E. Attached or detached accessory dwelling units where the owner of record does not personally reside in either the principal or accessory dwelling unit on the property**.**

A Special Use Permit for an attached or detached accessory dwelling unit where the owner of record does not personally reside in either the principal or accessory dwelling unit on the property may be granted provided:

1. The apartment was legally established with an Administrative or Special Use Permit; and
2. The accessory dwelling unit will not be out of character with the neighboring properties; and

3. All other provisions of §§25-94.3 F and G are met.

F. Public accommodation facilities**.**

Public accommodation facilities, including but not necessarily limited to: bed and breakfast inns, tourist homes, restaurants and cafes, special events facilities, meeting places and other facilities of civic,

RURAL CONSERVATION DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

community service and fraternal organizations, boarding houses, and residential care facilities, may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and

2. The business, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and

3. The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure.

4. The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.

§ 25-94.5. Uses permitted by Special Use Permit on preservation tracts.

The uses listed in this section shall be permitted within Rural Conservation Districts on preservation tracts only upon the issuance of a Special Use Permit by the board of zoning appeals pursuant to the provisions of article LVIII of division I of this chapter.

All applications for Special Use Permit within Rural Conservation Districts must first obtain written permission for the use from the Homeowners Association (HOA) or other such entity representing the whole of residents living within the district before applying for any Special Use Permit.

A. General standards applicable to all Special Use Permits. No Special Use Permit shall be issued without consideration that, in addition to conformity with any specific standards set forth in this chapter for Special Use Permit uses, the following general standards will be met either by the proposal made in the application or by the proposal as modified or amended and made part of the Special Use Permit:

1. Conformity with Comprehensive Plan and policies. The proposal as submitted or as modified shall conform to the Comprehensive Plan of the county or to specific elements of such plan, and to official policies adopted in relation thereto, including the purposes of this chapter.

2. Impact on neighborhood. The proposal as submitted or as modified shall not have undue adverse impact on the surrounding neighborhood.

NOTE: For restrictive conditions applicable to all Special Use Permits, see § 25-584 of division I of this chapter.

A. Kennels**.**

Kennels may be permitted by Special Use Permit provided:

1. There is an adequate plan to keep the facility neat and clean, free of dirt, fecal accumulation, odors, and parasite infestation; and

2. Adequate facilities will be constructed to ensure good ventilation and the maintenance of proper temperatures within healthful and comfortable limits for the animals; and

3. Fencing will be sturdy and well maintained and will be of sufficient strength and height to safely secure the animals; and

4. Exercise areas will provide adequate shelter from wind, rain, snow, and direct sunlight; and

5. There is an adequate plan to address safety from fire and other hazards, including alarm systems and suppression equipment when appropriate; and

6. Both the inside and outside facilities will be of proper size to accommodate the anticipated breeds and numbers of animals; and

7. The site contains a minimum of five (5) acres. The minimum acreage required for the permit must be retained in the same ownership for the permit to remain valid. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require a larger site when necessary to protect the neighboring properties and to accommodate the anticipated breeds and numbers of animals; and

8. The animals shall be confined within an enclosed building from 10 p.m. to 6 a.m. unless the board of zoning appeals is satisfied that keeping the anticipated animals outside during such hours will not be a nuisance to neighboring properties; and

9. No structure occupied by animals, other than the principal dwelling of the owner/operator shall be closer than two hundred feet (200') from any lot line. No outside run or other outdoor area occupied by animals more than two (2) hours in any 24 hour period shall be nearer than five hundred feet (500') to any lot line. Nothing herein shall be deemed to limit the ability of the board of zoning appeals to require larger setbacks when necessary to accommodate the anticipated breeds and numbers of animals or to better protect neighboring properties.

B. Landing strips and heliports.
Landing strips and heliports shall be permitted by Special Use Permit provided:

1. The landing strip or heliport shall be for private aviation aircraft only, limited exclusively to the use of the landowner and his/her family members; commercial operations, including flight training, ground school, aircraft repair, and sales are prohibited; and

2. Take-offs and landings are limited to daylight hours; and

3. The neighboring area is not characterized by agricultural, residential, commercial, or industrial development which would be adversely impacted by the proposed use; and

4. The landing strip or heliport is not located in close proximity to an existing airport and/or will not impact commercial flight paths.

C. Passive recreational facilities requiring a building and active recreational facilities.
Passive recreational facilities requiring a building and active recreational facilities may be permitted by Special Use Permit provided:

1. There is an adequate plan for sanitation facilities and garbage, trash and sewage disposal to accommodate anticipated usage; and

2. There is an adequate plan for parking and crowd and traffic control in and around the site. Designated areas for pick-up and delivery of users are adequate to prevent traffic congestion both on and off site, thereby keeping waiting pedestrians out of vehicle passage ways and parking areas and preventing waiting vehicles from blocking access to and from parking areas or impeding traffic on adjoining streets; and

3. Approval by the Virginia Department of Transportation; and

4. The proposed size, the proposed recreational activities, the anticipated number of users, setbacks, parking facilities, lighting, hours of operation and landscaping, are appropriate for the area.

D. Attached or detached accessory dwelling units where the owner of record does not personally reside in either the principal or accessory dwelling unit on the property.

A Special Use Permit for an attached or detached accessory dwelling unit where the owner of record does not personally reside in either the principal or accessory dwelling unit on the property may be granted provided:

1. The accessory dwelling unit was legally established with an Administrative or Special Use Permit; and
2. The accessory dwelling unit will not be out of character with the neighboring properties; and

3. All other provisions of §§25-94.3 F and G are met.

E. Public accommodation facilities.

Public accommodation facilities, including but not necessarily limited to: bed and breakfast inns, tourist homes, restaurants and cafes, special events facilities, meeting places and other facilities of civic,

community service and fraternal organizations, boarding houses, and residential care facilities, may be permitted by Special Use Permit provided:

1. The business and anticipated enlargements thereof will be appropriate for agriculture areas; and

2. The business, taking into account such things as its proposed size, parking facilities, setbacks, and landscaping, will not be out of character with neighboring properties; and

3. The permitting of the proposed business, when taking into account the presence of similar businesses in the neighborhood, will not result in such concentration or clustering of businesses as to create an institutional setting or business center or otherwise change the area's character and social structure.

4. The business shall have direct access on to a state maintained road and approval by the Virginia Department of Transportation or the expected traffic on a private road or easement can be accommodated by the access proposed.

§ 25-95. Prohibited uses.

All uses except those listed in §§25-93, 25-94, 25-94.1., 25-94.2., 25-94.3., 25-94.4., and 25-94.5. above are specifically prohibited in Rural Conservation Districts.

§ 25-96. Rezoning Requirements.

A. Existing Features and Site Analysis Plan and Master Plan required. Prior to the approval of any rezoning request in a Rural Conservation District, the owner or owners shall submit for review by the planning commission and for approval by the board of supervisors an Existing Features and Site Analysis Plan and a Master Plan for the land within the external boundary of contiguous tracts that are wholly or partly owned by the same person, firm or corporation.

B. Presubmission studies and conferences. Prior to the formal rezoning request, the applicant or his representative shall hold a conference with the Director of the Community Development Department and submit an Existing Features and Site Analysis Plan and a Master Plan providing all information as set forth in paragraphs C and D below along with unofficial preliminary studies of the proposed development for tentative review, comments and recommendations.

C. Contents of Existing Features and Site Analysis Plan. An Existing Features and Site Analysis Plan shall be submitted with each application for rezoning at a scale no less than 1": 400', and shall include the area within two hundred (200') feet of the proposed district. The plan shall include the following information:

1. A topographic map with a contour interval of five feet (5') or less and slopes exceeding twenty-five (25) percent clearly indicated on the plan.

2. Stream valleys and wetland complexes and location of ponds, streams and natural drainage swales (from the National Hydrography Dataset and National Wetlands Inventory).

3. Public land and the location and description, including program and expiration date, of existing conservation practices/easements on the property.

4. Soil types and accompanying data regarding suitability of soils for sewage disposal systems and reserve areas.

5. Existing public and private roads and trails, utility and other easements and rights-of-way, buildings, and other man-made improvements.

6. Vegetative cover conditions on the property according to general cover type including cultivated land, grassland, woodland and wetland as designated by the Corps of Engineers delineating woodlands over one-half (½) acre in area (from county base maps and/or aerial photographs).

7. The boundaries of any Overlay District on or adjacent to the property as designated in Division H of Chapter 25 "Zoning", of this code, including any sub designations within such overlay district. Within the Floodplain Overlay District (FPO), such areas shall include the 100 year backwater of any stormwater management facility outside a dedicated right-of-way or easement.

RURAL CONSERVATION DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

8. The location of mapped dam inundation zones.

9. The location of any grave, object or structure marking a place of burial, or a note indicating that none were located.

10. Locations of all historic structures, features, and sites on the tract, such as, but not limited to, those identified in the Augusta County historic site survey.

D. Contents of Master Plan. A Master Plan shall be submitted with each application for rezoning. The property shall be developed and maintained in substantial conformity with the Master Plan approved as part of the rezoning. The Master Plan shall include the following additional information:

1. The proposed title of the project and the name of the engineer, architect, designer, and/or landscape architect, and the owner and/or developer.

2. The north point, scale, and date. The scale shall be no less than 1": 400'.

3. Lot layout and including approximate acreage of each lot, clearly identifying which are residential lots and which are preservation tracts.

4. Total residential lot area and total preservation tract area.

5. Number of residential lots and number of preservation tracts.

6. Designation, proposed ownership, management and general description identifying the type of use/s expected of preservation tracts, conservation areas and open space, if applicable.

7. Location of streets and entrances, widths and designation of which are to be public and which are to be private.

8. Amount of land proposed to be set aside for public streets and amount of land proposed to be set aside for private streets.

9. General location of sewage disposal systems and reserve areas, if applicable.

10. Location of pedestrian trails, if applicable.

E. Submission. After presubmission review as set forth in paragraph B above has been completed, the applicant may submit an official Existing Features and Site Analysis Plan and an official Master Plan as part of the rezoning only after the completion of the review of said plans. The Director of the Community Development Department shall only accept the Existing Features and Site Analysis Plan and the Master Plan if the applicant has provided all the information required by this section.

§ 25-97. Streets.

A. All lots created in a Rural Conservation District must access an internal road system which may consist of public or private streets or a combination thereto.

B. Where private streets are utilized, they shall be constructed to the following standards:

1. The right-of-way of private streets shall be at least forty feet (40') in width as evidenced by a duly recorded document or deed covenant, or both, which shall specify that no request will be made to have the lot served by a public street unless and until the street has been designed and constructed to state standards for streets in effect at the time the request for acceptance is made at no cost to the county or the Virginia Department of Transportation. Such document shall also specify the provisions for the construction, maintenance, and upkeep of private streets.

2. The minimum width of private streets shall be eighteen feet (18') with a minimum two foot (2') shoulders on each side of the street.

3. Any private street in the Rural Conservation District which is not paved to standards set forth in Chapter 21, Subdivision of Land shall be surfaced with a base course of minimum eight inch (8") of compacted #21B stone.

RURAL CONSERVATION DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

4. All private streets shall be constructed in accordance with approved erosion and sediment control plans.

5. All private streets shall be constructed in compliance with the applicable requirements of Chapter 18, Regulation of Stormwater.

6. The maximum grade for any private street in the Rural Conservation District shall be twelve percent (12%).

7. All streets shall be designed and maintained to safely accommodate fire and rescue emergency vehicles.

8. The applicant or developer shall provide for and establish a nonprofit corporation or other legal entity under the Laws of Virginia for the ownership, care and maintenance of all private streets constructed in the district.

C. Development in a Rural Conservation District shall have no more than one (1) access to a public street external to the development, except for the following:

1. More than one (1) access is required to meet §21-9.1. D.

2. A second or separate entrance is needed for the use of the preservation tract.

3. A topographic or other environmentally sensitive feature would be avoided or protected with a second entrance.

4. The access must meet VDOT standards.

§ 25-98. Common Elements.

All common open space, individual properties and facilities shall be preserved for their intended or similar purpose as expressed in the approved Master Plan. Where common elements are part of a development in Rural Conservation Districts, they shall be established and evidenced by documents duly recorded prior to final plat approval for any lot, structure or use in the district. Such documents shall also specify the provisions for participation in and construction, maintenance and upkeep of all such common elements. For purposes of this section, common elements shall include all facilities, open areas and other uses of property in which individual lots, structures, uses, owners or tenants have a beneficial interest in common with others.

§ 25-99. Yard and setback requirements.

A. Front lot lines.

1. No building or other structure shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of a public street identified by the Virginia Department of Transportation as an arterial or collector street than one hundred feet (100').

2. No building or other structure shall be erected, altered, located, reconstructed, or enlarged nearer to the right-of-way line of any private street or any street identified by the Virginia Department of Transportation as a local street than twenty feet (20').

3. In the absence of proof to the contrary the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.

4. If a lot, tract or parcel fronts on two or more streets, the foregoing minimum setbacks shall be required on all streets.

5. For an exception to front line setback requirements, see § 25-13 of article II, division A, of this chapter.

B. Rear and side lot lines for residential and preservation lots.

1. A principal building or structure shall not be erected, altered, located, reconstructed or enlarged nearer to any rear or side lot line than twenty-five feet (25').

RURAL CONSERVATION DISTRICT – ZONING ORDINANCE AMENDMENT (cont'd)

2. An accessory building or structure which has an area of less than nine hundred square feet (900 sq. ft.) and is no more than twenty feet (20') in height shall not be erected, altered, located, reconstructed or enlarged nearer to any rear or side lot line than five feet (5').

3. An accessory building or structure which has an area of nine hundred square feet (900 sq. ft.) or more or is more than twenty feet (20') in height shall not be erected, altered, located, reconstructed or enlarged nearer to any rear or side lot line than twenty-five feet (25').

§ 25-99.1. Height limitations.

In Rural Conservation Districts, all buildings and structures shall be subject to the following height limitations:

A. No building or structure shall exceed thirty-five feet (35') in height.

B. In no case shall the height of any building or structure exceed the height limitations of the transitional surface, approach surface, horizontal surface, and conical surface as required in any Airport Overlay (APO) District.

C. For exceptions to height limitations, see § 25-15 of article II, division A, of this chapter.

Vote was as follows: Yeas: Beyeler, Sorrells,Pyles and Coleman

Nays: Shifflett, Howdyshell, and Garber

Motion carried.

* * * * * * * * * * * * * * * *

FRONT SETBACKS IN GENERAL AGRICULTURE DISTRICTS – ZONING ORDINANCE AMENDMENT

This being the day and time advertised to consider an Ordinance amending the Zoning Ordinance of Augusta County Related to Front Setbacks in General Agriculture Districts. The Planning Commission recommends approval

Mr. Fitzgerald advised that they had looked at how much right-of-way would be needed if future widening would take place. They felt that 35 feet in these areas would be something that would be allowable. The changes that are being considered tonight would be to change that 50-foot front setback in the Rural Conservation and Ag Conservation areas on collector streets, or less, down to a 35-foot setback.

The Chairman declared the public hearing open.

Luther Ramsey, of Freemason Run, Mt. Solon, would like to build a porch on the back of his house, which is about 5 feet short with the present ordinance and supported the revised ordinance.

There being no other speakers, the Chairman declared the public hearing closed.

Mr. Coleman moved, seconded by Mr. Howdyshell, that the Board adopt the following ordinance:

AN ORDINANCE TO AMEND SECTION 25-78
OF THE AUGUSTA COUNTY ZONING ORDINANCE

WHEREAS, The Board of Supervisors of Augusta County has deemed it desirable to amend Section 25-78 of the Augusta County Zoning Ordinance;

NOW BE IT RESOLVED that Section 25-78 of the Augusta County Zoning Ordinance is amended and enacted to read as follows:

§ 25-78. Yard and setback requirements.

A. Front lot lines for conventional lots in Urban Service or Community Development Areas as designated in the County's Comprehensive Plan.

FRONT SETBACKS IN GENERAL AGRICULTURE DISTRICTS – ZONING ORDINANCE AMENDMENT (cont'd)

1. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any public street than fifty feet (50').

2. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any private street than thirty-five feet (35')

3. In the absence of proof to the contrary the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.

4. If a lot, tract or parcel fronts on two or more streets, the foregoing minimum setbacks shall be required on all streets.

5. For an exception to front line setback requirements, see § 25-13 of article II, division A, of this chapter.

B. Front lot lines for conventional lots in Rural Conservation or Agriculture Conservation Areas as designated in the County's Comprehensive Plan.

1. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any public street identified by the Virginia Department of Transportation as an arterial street than fifty feet (50').

2. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any private street or any street identified by the Virginia Department of Transportation as a collector or local street than thirty-five feet (35')

3. In the absence of proof to the contrary the width of a public street shall be presumed to be thirty feet (30'), and the setback may be measured by adding fifteen feet (15') to the required setback and measuring from the center of the general line of passage.

4. If a lot, tract or parcel fronts on two or more streets, the foregoing minimum setbacks shall be required on all streets.

5. For an exception to front line setback requirements, see § 25-13 of article II, division A, of this chapter.

C. Front lot lines for cluster lots.

1. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of a public street than one hundred feet (100').

2. No building or other structure, whether principal or accessory, shall be erected, altered, located, reconstructed or enlarged nearer to the right-of-way line of any private street than twenty feet (20').

D. Rear and side lot lines for conventional and cluster lots.

1. A principal building or structure shall not be erected, altered, located, reconstructed or enlarged nearer to any rear or side lot line than twenty-five feet (25').

2. An accessory building or structure which has an area of less than nine hundred square feet (900 sq. ft.) and is no more than twenty feet (20') in height shall not be erected, altered, located, reconstructed or enlarged nearer to any rear or side lot line than five feet (5').

3. An accessory building or structure which has an area of nine hundred square feet (900 sq. ft.) or more or is more than twenty feet (20') in height shall not be erected, altered, located, reconstructed or enlarged nearer to any rear or side lot line than twenty-five feet (25').

FRONT SETBACKS IN GENERAL AGRICULTURE DISTRICTS – ZONING ORDINANCE AMENDMENT (cont'd)

E. Additional setback for buildings in excess of thirty-five feet (35') in height.

1. For buildings and structures in excess of thirty-five feet (35'), but not more than fifty feet (50') in height, the required setback shall be increased one foot (1') for every one foot (1') increase in building height.

2. For buildings and structures in excess of fifty feet (50') in height, the required setback shall be increased fifteen feet (15') plus two feet (2') for every one foot (1') increase in building height above fifty feet (50').

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

Mr. Howdyshell added that the ordinance has been simple for staff and the amended ordinance may create more work, and stated "but everybody is not the same in the County and there are no options that we have to make some of these problems go away except changing the setback. I think it will be good because everybody is different; every piece of property is different and it gives a little bit of variance that you can work with."

* * * * * * * * * * * * * * * *

PRIVACY FENCES REQUIRED IN BUFFER YARDS IN GENERAL BUSINESS AND GENERAL INDUSTRIAL DISTRICTS – ZONING ORDINANCE AMENDMENT

This being the day and time advertised to consider an Ordinance amending the Zoning Ordinance of Augusta County Related to Privacy Fences required in Buffer Yards in General Business and General Industrial Districts. The Planning Commission recommends approval.

Mr. Fitzgerald reported buffer yards adjacent to any property line not entirely zoned Business or Industrial are required under the current ordinance. He stated no buffer is required if the lot is adjacent to property zoned General Agriculture, unless it is planned for residential on the Comp Plan Future Land Use Map. In that requirement, it provided several alternatives. Alternative 1 was suggested to be changed as follows:

1. A ten-foot wide strip of land with a six-foot opaque privacy fence, wall, berm, or combination. The current ordinance said that the opaque privacy fence had to be vinyl. "Vinyl" was removed and the following language was added: "Opaque privacy fences shall be constructed of good quality materials such as vinyl, pressure treated lumber, brick, stone, or similar materials approved by the Zoning Administrator. For the purposes of this chapter tarps, car covers, tents, fabric, chain link fences with slats, or similar materials shall not be deemed to satisfy the requirements of opaque fencing."

The Chairman declared the public hearing open.

There being no speakers, the Chairman declared the public hearing closed.

Ms. Sorrells moved, seconded by Mr. Coleman, that the Board adopt the following ordinance:

June 22, 2011, at 7:00 p.m.

PRIVACY FENCES REQUIRED IN BUFFER YARDS IN GENERAL BUSINESS AND GENERAL INDUSTRIAL DISTRICTS – ZONING ORDINANCE AMENDMENT (cont'd)

AN ORDINANCE TO AMEND SECTIONS 25-308 AND 25-387 Of THE AUGUSTA COUNTY ZONING ORDINANCE

WHEREAS, the Board of Supervisors has found that there was a need to clarify the buffer requirements in Sections 25-308 and 25-387 of the Augusta County Zoning Ordinance:

NOW BE IT resolved that Sections 25-308 and 25-387 of the Augusta County Zoning Ordinance are amended to read as follows:

§ 25-308. Buffer yards.

A. A buffer yard shall be provided adjacent to any property line not entirely zoned business or industrial and landscaped in one (1) of two (2) ways.

Alternative 1: A ten foot (10') wide strip of land with a six foot (6') opaque privacy fence, wall, berm, or combination thereof. Opaque privacy fences shall be constructed of good quality materials such as vinyl, pressure treated lumber, brick, stone, or similar materials approved by the Zoning Administrator. For the purposes of this chapter tarps, car covers, tents, fabric, chain link fences with slats, or similar materials shall not be deemed to satisfy the requirements of opaque fencing.

Alternative 2: A twenty foot (20') wide strip of land with 2 evergreen trees, 2 canopy trees, 2 understory trees and 24 shrubs planted per one hundred linear feet (100') of buffer.

The applicant is free to choose from Alternatives 1or 2. No buffer shall be required if the adjacent property is zoned General Agriculture and planned for business or industrial on the County's Comprehensive Plan Future Land Use Map. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two (2) understory trees per required canopy tree.

25-387. Buffer yards.

A buffer yard shall be provided adjacent to any property line not entirely zoned business or industrial and landscaped in one (1) of two (2) ways.

Alternative 1: A ten foot (10') wide strip of land with a six foot (6') opaque privacy fence, wall, berm, or combination thereof. Opaque privacy fences shall be constructed of good quality materials such as vinyl, pressure treated lumber, brick, stone, or similar materials approved by the Zoning Administrator. For the purposes of this chapter tarps, car covers, tents, fabric, chain link fences with slats, or similar materials shall not be deemed to satisfy the requirements of opaque fencing.

Alternative 2: A twenty foot (20') wide strip of land with 2 evergreen trees, 2 canopy trees, 2 understory trees and 24 shrubs planted per one hundred linear feet (100') of buffer.

A. The applicant is free to choose from Alternatives 1, or 2. No buffer shall be required if the adjacent property is zoned General Agriculture and planned for business or industrial on the County's Comprehensive Plan Future Land Use Map. Buffers planted below overhead utility lines shall apply any of the allowed buffer alternatives, except that understory trees shall replace any canopy trees at a rate of two (2) understory trees per required canopy tree. The plantings below are intentionally over-planted at maturity, in order to provide an immediate beneficial impact.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * * *

(END OF PUBLIC HEARINGS)

* * * * * * * * * * * * * * * * *

A five-minute recess was taken.

* * * * * * * * * * * * * * * * *

MATTERS TO BE PRESENTED BY THE PUBLIC

Larry Wills expressed concern of sludge application from out-of-area entities. He added that EPA and DEQ are very strict on farm production as far as the amount of nutrients that can be applied to the land. All of the nutrients that are produced by farmers cannot be applied. Mr. Wills encouraged the Board to contact proper organizations, Congressman Goodlatte and state representatives and strongly oppose this "because it does not make sense to import nutrients into this area when you are already saying that you are going to have to get rid of septic systems and when the farmers are put under very strict restrictions of what they can do in applying nutrients to their own property."

Michael Shull, of Raphine, Virginia, also expressed concern of sludge application. He referred to a problem in Campbell County where they learned that if it was incinerated, before application, it would be a good application. He also mentioned concern of the Greenville Sewer. He asked how it would be mandated. Citizens had expressed concern of their sewer systems that have already been approved. The citizens did not agree with having to connect with the new sewer system.

David Karaffa agreed with Mr. Shull. "Talking about mandating people to hook up to a waterline that they have already gone through the appropriate process at the time seems wrong. Those who moved into that area understood the conditions that they were moving into when they went there. I think it is wrong to penalize those who met that responsibility by enforcing this mandate." He understood that the issue is about health reasons, but felt that those who had adequate septic are not in any health danger.

Bill Tueting referred to the ACSA/Augusta County Capital Projects item and expressed that the Greenville Sewer is going to be approximately $3 million. Ninety sign-ups would provide $55,000. He was confused of what the hook-up cost would be - $600 or $1,000? He did not feel that cost was adequate. He suggested $2,500 to $3,000. He also asked about the monthly payments that were to be paid for five years. "In reality, that fee has to be paid for 20 years; who is going to pay the other 15 years if we don't charge the people the extra $20?" He also questioned the mandatory hook-ups.

* * * * * * * * * * * * * * * * *

BIO-SOLIDS LAND APPLICATION

Ms. Sorrells moved, seconded by Mr. Garber, that the Board authorize staff to submit a letter to Congressman Goodlatte and DEQ with their concerns.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * * *

ACSA/AUGUSTA COUNTY CAPITAL PROJECTS

The Board considered proposed financing scenarios for pending water and sewer projects.

Dennis Burnett, Economic Development, reported that the Board had received information in their advanced agenda package. He noted that the report was provided

ACSA/AUGUSTA COUNTY CAPITAL PROJECTS (cont'd)
by the Committee that was appointed by the Board of Supervisors for County staff, County Administrator, and Mr. Fanfoni, of Augusta County Service Authority, to meet to provide options on the funding scenarios on projects that have been discussed over the past several months. The pending projects are as follows:

1. Barren Ridge Water Improvements Project – This would be an upgrade in the funding scenario which was outlined in the Staff Briefing on Monday.
2. VDOT I-64, Exit 91 Project – This would be an upgrade of infrastructure off of the interstate with the construction project through the betterment project with VDOT.
3. Greenville Sewer Project – Mr. Coffield will explain.

* * *

Mr. Coffield added that funding sources had been identified. With each item a funding scenario had been recommended.

Barren Ridge Water Improvements Project
Mr. Coffield stated that it would require several actions from the Board to proceed. Beverley Manor Supervisor has tentatively identified from his Infrastructure Account $850,000. Project Cost is estimated to be $3,615,500; Developer Contribution is estimated to be $692,200, totaling $4,307,700. It is the recommendation to seek a VRA Bond and repay P&I from future taxes generated. Mr. Burnett added that this lower number was reflective of Service Authority participation based upon a projected one-year completion date.

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board authorize staff to proceed immediately with the outline provided by Mr. Coffield. Mr. Pyles clarified that the motion is to appropriate $850,000 from the Beverley Manor Infrastructure Account and that bonding will be done on the rest of the project.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * *

VDOT I-64/EXIT 91 PROJECT
Costs are associated with project to extend sewer line to pending projects (Wilson Commerce Park and Ruby Estates). The sewer line would be to address "future" needs and make improvements simultaneously with VDOT project. Project cost is $332,633. Funding scenario is to advance funds from County and/or IDA Fund Balance with repayment from Developer contributions (establish a Privilege Fee Agreement).

Proposal:

County/ACSA Account	33.3%	$110,877.67
Economic Development Account	33.3%	$110,877.67
IDA Fund Balance	33.3%	$110,877.66
		$332,633.00

Mr. Coleman added that the Exit 91 is on a "fast track"; public hearing is next week (June 30th).

Jennifer M. Whetzel, Director of Finance, asked if IDA needed to approve its portion of proposal. Mr. Coffield explained to the public that the Board of Supervisors can approve

ACSA/AUGUSTA COUNTY CAPITAL PROJECTS (cont'd)
the CIP/Utility Account and the Economic Development Account; but, only the IDA can approve its contribution. General discussion has indicated that IDA is willing to participate in this project. However, should the IDA not participate, the funding would be a 50/50 share County/ACSA account and Economic Development account.

Mr. Coleman moved, seconded by Mr. Beyeler, that the Board approve the recommendation and proceed.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

Mr. Garber commended the outstanding work done by all the people involved. He further stated, "This should be a template for what we need to do going forward so that we are all going forward together."

Mr. Coffield noted that there are a lot of Augusta County Service Authority's non-monetary contributions that can be done that can lead to monetary savings by reducing costs. Their engineering assistance, contract management assistance, project inspections assistance as well as in-house work crews can assist in reducing the overall cost.

* * *

Greenville Sewer Project
Mr. Coffield advised that this item was discussed at the Staff Briefing on Monday. DEQ's Grant/Loan requires user rates above ACSA current rate schedule for a minimum of five years. Based upon anticipated project costs and revenues, the project would have an annual deficit of $37,500 a year for term of loan ($750,000 total). Riverheads infrastructure funds are currently leveraging DCR grant funds to partially offset connection fee costs. Once the project is bid, actual costs "could" be less; thereby, reducing the annual deficit.

Funding Scenario: The user rate schedule or connection fees could be further increased to offset deficit (shortfall). The County could also seek to develop a Special Taxing District to offset deficit (from property owners who benefit from property improvements vs. users). The Special Taxing District would also generate funding from owners of vacant properties. Additional infrastructure contributions could be earmarked for project along with County CIP/ACSA account funding to cover deficit/shortfall. Proposal:

Riverheads Infrastructure Account	50%	$375,000
County/ACSA Account	50%	$375,000
		$750,000

Mr. Coffield explained that the Riverheads Infrastructure Account does not currently have a balance of $375,000.

Ms. Sorrells added that, after further discussion, it had been mentioned that there are some significant benefits beyond the Riverheads District and the Village of Greenville. She noted that they had received the DCR grant because of the water quality improvement project. "Taking 90 or 100 septic fields off line would significantly improve the water quality of the entire South River all the way to the Chesapeake Bay." She mentioned that Ken Fanfoni, Executive Director of ACSA, had informed her that the State has been given a mandate by EPA. It will be tightening residential, farming activities and wastewater treatment. If the septic fields are taken off line, the County

ACSA/AUGUSTA COUNTY CAPITAL PROJECTS (cont'd)
will be given credit that can be used throughout the County. It would be equivalent to being able to do 200 new sewer connections countywide (not counting 100 at Greenville) and putting in a no-till 275-acre farm every year.

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board approve the following allocation:

County/ACSA Account	#80000-8145	$375,000.00
Riverheads Infrastructure Account	#80000-8015-66	$259,059.00
Beverley Manor Infrastructure Account	#80000-8011-48	$ 28,985.25
Middle River Infrastructure Account	#80000-8012-65	$ 28,985.25
South River Infrastructure Account	#80000-8016-59	$ 28,985.25
Wayne Infrastructure Account	#80000-8017-69	$ 28,985.25
		$750,000.00

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * * *

GREENVILLE SEWER
The Board considered the following regarding Greenville Sewer (Riverheads District):

A) Mandatory Connection Ordinance
B) Proposed Comp Plan changes

Mr. Coffield advised that this item was discussed at Monday's Staff Briefing. In order to go forward with grants. The Mandatory Connection Ordinance and the Comp Plan changes need to be advertised and considered by the Board. The Comp Plan changes will need to be reviewed by the Planning Commission before being considered by the Board.

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board authorize staff to advertise both items.

Mr. Pyles made the following comment:

> There is precedent for not going forward with a public hearing that you started, Ms. Sorrells. I can't think of anything that is less smart or less appropriate for Augusta County. On virtually every way we look at this thing, it's got problems and holes on it. The first thing is the title 'Mandatory Connections'. There are no mandatory connections. There are mandatory fees. You are forced to spend $1,000; you are forced to pay a minimum monthly bill, but you're not forced to hook up. So all the improvements that people are thinking about getting is for the impairment of South River, for the Chesapeake Bay, is for all these things, we may not get anything out of it. When Ms. Sorrells said, at the Staff Meeting, 'I can't think of any reason people wouldn't hook up'. I can't think of any reason they would. If you've got a working system, all you care about is when you flush, it goes down. That's it. There is no bills for a septic system. You know you might put a bottle of stuff in there every now and then but it is free. That's what it is. What we would be providing to Greenville is an insurance factor. I've had that before. People wanted water out to Ms. Mitchell's subdivision. Out there, they wanted water. So we said, 'Okay, sign here'. They said, 'We don't want to sign here; we just want the water in case water goes down, again'. (Mr. Pyles noted that this was not said by Ms. Mitchell; it was from her district.) It was just there as backup for them. That is what would be the rationale for wanting it there, but not hooking it up. This thing about how we're going to get the money. You're pushing this off on the Service Authority. How are they going to get the money? If you don't pay your water bill, we cut off your water. That's simply done. But we've got a sewage system that they're not using. How do you cut it off? How do you stop them? I've seen some draconian things in here that they

GREENVILLE SEWER (cont'd)

are in violation every day that they operate their house. They're not allowed to live in their house once they don't pay their bill. Are we really going to put people out of their homes for not paying for a service they're not getting? I don't know how we do that. Maybe, they would pay the $1,000; would we throw them out of their house for a $35 bill? We're not going to do that. You've got people with new systems. We do not have . . . One of the things I asked for earlier was how many bad systems do we have? All we had was a letter that over 10 years there were three or four systems. Now, if these people want to come in . . . Ms. Sorrells is shaking her head. Has the Health Department condemned any of the systems? They are the only ones that people would have benefit of hooking up to this. They're not going to do it. What Mr. Tueting was talking about makes a lot of sense in several ways. If you approve this, we lose all leverage. You haven't tried to go out and say, 'Who is going to sign up?' Once you've done this, it's done and the costs is not going to be borne by all of Augusta County. It's not even going to be borne by all the Service Authority. It will be borne by the people that are on sewer in Augusta County because if we split our rates and pay for our bills. So when people don't pay their $1,000; when they don't pay their $35 a month, and you go in and you shove them down, and you go and get it, it comes back on the rate payers to the Service Authority. It's going over to those folks. We have no certainty of getting the benefit we're looking for. We have a system that says it's going into place to protect water and we're going to have mandatory connections, which are not mandatory. So we're going to put up $3 million, $30,000 per home out there. That's a lot of money. The thing is why aren't we asking those people to do their fair share? If anybody else hooks up to the sewer system, it takes $8,000 so we're going to do all of this. We're going to put people out of their homes for not paying a $35 bill. Any of you who can support that really haven't been in touch with the people of Augusta County. What they have to do if they hook up then is not just $35, it's $35 and $55--$90 a month. Can they do that? Why should they do it if they were getting a service for free? The Code says, unless the Department of Health shuts them down, they don't have to hook up. Who's going to hook up? If you want to throw $3 million for something that is an insurance policy for some people. The point is this. If it is necessary for the people of Greenville, they ought to sign up for it. If it is not important enough for them to do it, then why should we do it?

Mr. Garber made the following statement:

Mr. Pyles, four people were wrong when we didn't go to public hearing on staggered terms in my opinion so there is no reason for us to be wrong, again, for not going to public hearing because that is the motion. I truly don't know how the people in Greenville feel about this. But the motion is go to public hearing. If it is important to them, one way or the other, this is one time . . . I usually hate it when somebody is like a call-to-arms; you know it is time to come down. This is the time to come down. It's a big deal for those folks. So the motion is to go to public hearing. If one-third of those people come in here and say they don't want it, it is certainly going to have an impact on the way I feel about it. It's up to them to really stand up and speak up because this has been talked about forever. It was being talked about 20 years ago. If it doesn't happen now, it will be talked about 20 years from now. I don't know how they feel about it. The motion is to have a public hearing and we shouldn't be wrong this time because four people were wrong last time.

Ms. Sorrells made the following statement:

Now, I've been talking to Mr. Fanfoni about this since I got on the Board because it has been a huge issue. We've been working on it as a Service Authority and the County for about three years and we generated a lot of information from the Health Department, from work that we did. I'm a little surprised of Mr. Pyles' opposition at this point when he voted to move it forward the significant amount of times he was on the Service Authority; but, nonetheless, I would suggest that there is a lot of reading to do, but to understand the project better. I would suggest that people who may be running for the Board get some of that reading and look through it and then make an educated opinion on it. For instance, there are few lots there that have put in engineered systems. Most of them have signed an agreement that if a sewer comes through, it is recognized as abandoned and that they will have to hook up no matter what. The fact is, without public sewer, the Village of Greenville will no longer exist because there are small lots; additionally, there's poor drainage in the majority of the lots. A lot that is a tenth of an acre can't put an engineered system on their lot. There are a significant number of lots, if you read the reports, that don't even have the option of an engineered system. If the lots were bigger, they would have the option. We're not talking about a $1,000 hook-up, not a $6,000

GREENVILLE SEWER (cont'd)

> hook-up, but a $25,000 commitment. We have worked with a citizens community group with people in the Village. We have worked through this for two years. We had the Health Department on it; the Service Authority on it; I was on it. We had citizens from the community. We did a house-by-house survey to talk to the people to see if they were open to this. We've tightly defined the line so that it is only those lots that are going to be in need of it now or in the future. There are approximately a third of them that are going to have to hook up because of public health reasons. There are another dozen who have no option. They have privies or they have no sewer at all on it and the house sits empty and will fall down if there is no sewer brought in there. There is a significant strip of land through there that is zoned commercial and there is no commercial development that can occur there without the sewer coming through. It's something that, with a public hearing, the citizens can come in and talk. We'll be having, as we have had before, citizens' meetings to explain it and talk about it. The mandatory part of it is not something that I'm excited about, either. Our ordinance does have that if you are in an Urban Service Area within 200 feet, you need to hook up anyway. That's something that we are just tweaking and putting some teeth into for the Village of Greenville; but the thing is I believe that most people will hook up. If we don't have 80 people who hook up, the project is not a go anyway. That's because of the way DEQ stuff is written. The $55 a month—it is not $90 a month; it's an "average" of $55 a month is what is required because of the number of low and moderate income households that are there and it would be for five years. My idea was if we talked about it is a carrot and a stick. If you make someone hook up, and then you say, 'You got to dig into your savings for $6,000,' I think that is burdensome and that is why we have worked to get it down below $1,000. That is going to raise their property values. They'll have something that is livable. Right now, they have no option. If their system is declared failing, it will be condemned. There are a lot of people looking the other way because nobody wants to kick somebody out of their house. It's no doubt that the majority of the lots will have failing systems. If they don't now, they will have failing systems in just a few years to come. We're never going to see this kind of funding again. Augusta County will be doing the project so the burden is not on the Service Authority. The County is doing the financials and running the project. I am anxious to see this go to public hearing.

Mr. Pyles made the following comment:

> Why did I support it before that? Before this time, there wasn't this ordinance to look at. If you look at mandatory connections, that's one thing. You would get your benefit if everybody had to hook up. I'm not sure I would want that, but you would have the people to do it. This is the worst of all worlds--that they have to have mandatory fees without mandatory connections. I think we ought to change the ordinance title because it is not mandatory connections. It ought to say 'Mandatory fees for the Village of Greenville'.

Ms. Sorrells asked Mr. Morgan if other changes could be done. She understood that this was the way it had to be written.

Patrick J. Morgan, County Attorney, advised that the language was taken from the State Code where it provided the mandatory connections. He stated that "fees" or "connections" would not make a difference.

Mr. Pyles stated that "It makes a difference in the honesty of the statement. Are we mandating connections?"

Mr. Morgan clarified that, in the legal perspective, it would not make a difference.

Mr. Pyles stated that the public would only see "mandatory connections". "That is not honest; what is honest is mandatory fees."

GREENVILLE SEWER (cont'd)
Mr. Beyeler made the following statement:

> I don't like mandatory connections, either, but sometimes you got to do what is good for the community. I am willing to listen to see what that community wants. Just because you have, as we know with road projects, if you got one or two people who don't want something to happen, that isn't always an option. Let's go to public hearing. We'll find out. I think we ought to ratchet it down, or ratchet it up. This is something that will benefit the community in the future. I know Ms. Sorrells is not running, but there aren't many members on this Board that would stick her neck out as far as she has stuck her neck out. I go back to what Charlie Runkle, who was on this Board when the Fishersville School was closed down. We opened it up as a library and it cost him the election. There's no doubt in my mind, but I've told him, before he died, and I still say the biggest contribution he ever made while he was on this Board is to support the library and he stuck to his guns and have been beneficial to the community and Augusta County.

Mr. Howdyshell called for the question.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * * *

RIVERHEADS FIRE DEPARTMENT
The Board considered equipment purchases for additional volunteers (ten sets of turnout gear and pagers).

Funding Sources:	Riverheads Infrastructure Account	#80000-8015-65	$11,500
	South River Infrastructure Account	#80000-8016-57	11,500
	Beverley Manor Infrastructure Account	#80000-8011-46	6,000
			$29,000

Mr. Coffield advised that this item was discussed at Monday's Staff Briefing.

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Board approve the request.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * * *

WILSON FIRE DEPARTMENT
The Board considered request for generator and miscellaneous protective gear.

Funding Source: South River Infrastructure Account #80000-8016-58 $61,321

Mr. Coffield advised that this item was discussed at Monday's Staff Briefing.

Mr. Beyeler moved, seconded by Mr. Howdyshell, that the Board approve the request.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * * *

FUND BALANCE YEAR END UPDATE

The Board considered deletions/closeouts to Infrastructure/Recreational Matching Grant Accounts, construction projects and year end carryovers per Fund Balance Policy.

Jennifer M. Whetzel, Director of Finance, advised that a list of Infrastructure and Matching Grant Accounts were included in the agenda package that needed to be uncommitted before June 30th in order to reallocate funds in the future. There, also, are possible carryovers for the School Board, Social Services and CSA Funds that would need to be committed before the end of year and at a subsequent date the amounts would become available. This is in line with the Fund Balance Policy that the Board approved in May.

Mr. Howdyshell moved, seconded by Mr. Coleman, that the Board approve the recommendations of staff.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * * *

DEERFIELD LIBRARY

The Board considered staffing and purchase of books (Pastures District).

Funding Source: Pastures Infrastructure Account #80000-8014-70 $14,108

Mr. Coffield advised that this item was discussed at the Staff Briefing on Monday. He noted that there had been funding for some part-time staff for several years. That grant has ceased. To keep the facility open, Mr. Pyles has offered to use his infrastructure account. On Monday, books had been mentioned; however, in further consultation with Ms. McCauley, she has indicated that a computer needs to be replaced.

Mr. Pyles moved, seconded by Mr. Coleman, that the Board approve the request.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

Chairman Shifflett thanked Mr. Pyles for his support. He added that concern had been expressed by the Library Board that the Deerfield Library may have to be closed.

* * * * * * * * * * * * * * * * *

WAIVERS/VARIANCES - NONE

* * * * * * * * * * * * * * * * *

CONSENT AGENDA

Mr. Beyeler moved, seconded by Ms. Sorrells, that the Board approve the consent agenda as follows:

MINUTES

Approved the following minutes:

- Regular Meeting, Wednesday, May 25, 2011
- Regular Meeting, Wednesday, June 8, 2011

CONSENT AGENDA (cont'd)

INDOOR PLUMBING PROGRAM
Approved retaining Waynesboro Development and Housing Authority as the County's Indoor Plumbing/Rehabilitation Loan Program Administrator.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * * *

(END OF CONSENT AGENDA)

* * * * * * * * * * * * * * * * *

MATTERS TO BE PRESENTED BY THE BOARD
The Board discussed the following issues:

Mr. Howdyshell: Draft Forest Plan – Suggested that a letter be submitted regarding opposition of wilderness expansion.

Mr. Howdyshell moved, seconded by Mr. Beyeler, that the Board authorize staff another letter expressing the Board's opposition of wilderness expansion.

Vote was as follows: Yeas: Howdyshell, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: Sorrells

Motion carried.

* * *

Mr. Coleman:

1. Interstate All Batteries Center - Attended ribbon cutting of the opening of a new business in Fishersville, owned by Central Virginia Rental.
2. Matthew Cash Benefit Update distributed to the Board. Matthew Cash, a 10-year-old was severely burned. NIBCO was the primary sponsor of this fundraiser. Raised $11,496.

Mr. Garber:

1. Courthouse tour – would like to ask staff to submit a list of recommendations relating to needed improvements.

Mr. Garber moved, seconded by Mr. Coleman, that the Board authorize staff to proceed with recommendations.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * *

2. One-time Bonus – raises have not been considered at budget process because of the economy for the past three years.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)
One-Time Bonus (cont'd)

Mr. Garber moved, seconded by Mr. Pyles, that the Board authorize staff to advertise an Employee Bonus Ordinance to be discussed at the July 13th meeting.

Mr. Pyles supported the motion, but suggested that Ms. Whetzel provide projected revenues for the end of the year.

Mr. Coffield distributed a hand-out reflecting what other jurisdictions provided.

Mr. Beyeler mentioned that the fund balance was available because the retirement has been under funded. "If you put the retirement in there, we are not on the plus side. We're on the minus. The Service Authority, with 100 people in the year 2010, was $1 million under funded. That's $10,000 per employee. We don't have a fund balance."

Mr. Morgan pointed out that the Code requires that the Board has to establish this bonus by ordinance, with a two-week notice advertised. He suggested that a figure be plugged into the ordinance and that the Board could make a decision to reduce that amount if necessary.

Mr. Garber suggested $1,000 for all full-time employees and $500 for all part-time employees.

Mr. Pyles asked what employees are being defined.

Ms. Whetzel said that there would be 259 full-time employees and 11 part-time, who are 20 hours a week or over. The full-time does not cover Social Services, Constitutional Officers, or the School Board. Mr. Coffield explained that the Social Services is a regional agency and will be determined separately; same with the Jail and the Planning District Commission who are regional agencies versus County agencies. The School Board provided a 1.5% bonus for the current fiscal year and they reserve the right to come back depending on the year-end balance to determine if it will be done for the FY2012.

Mr. Pyles asked for clarification of the motion – if it was asking for a public hearing for the ordinance. Mr. Morgan advised that not every ordinance needed a public hearing. This ordinance would not require a public hearing, but it would have to be advertised for two consecutive weeks for enactment.

Mr. Beyeler felt that if this money was available, it should be applied towards retirement.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * *

Ms. Sorrells: Rescue 5 Boundary (Staunton Augusta Rescue Squad) and Rescue 25 Boundary (Staunton Augusta Rescue Squad for Riverheads) – map distributed to the Board. An adjustment needs to be made. She noted that there may be other boundary line adjustments needed regarding the Preston Yancey or other areas. She suggested that in the future that, instead of having to come to the Board for approval, that the Fire Chief and designated agencies made the decision of adjustments.

MATTERS TO BE PRESENTED BY THE BOARD (cont'd)

Mr. Morgan advised that the Board needed to review every incident.

Mr. Pyles added that the reason for reviewing each situation is because of the possibility of redistricting where Staunton Augusta is going to get more or less and Stuarts Draft Rescue is going to get more or less, the Board needs to review. "It is very appropriate that this Board stay involved with boundary line adjustments."

Ms. Sorrells clarified, "Let me make it perfectly clear that this adjustment and any other adjustments that are made are made to serve the citizens in a better manner, not anything to do with revenue recovery."

Ms. Sorrells moved, seconded by Mr. Beyeler, that the Rescue 5 Boundary line be adjusted.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * *

Chairman Shifflett:

Fire and Rescue Equipment Grant Program

The Committee's recommendations as it relates to Equipment Grant request from the following agencies:

Agency	**Request**	**Recommendation**	**Funding Soruce**
Verona Vol. Fire Dept.	$15,867.68	$15,867.68*	80000-8152
* **Exception:**	**This request is to be funded after notification is awarded and Verona is funded through the RSAF.**		
Churchville Vol. F&R	$43,655.92	$32,849.66	80000-8152

Ms. Sorrells moved, seconded by Mr. Pyles, that the Board approve the recommendations.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * * *

MATTERS TO BE PRESENTED BY STAFF

Staff discussed the following issues:

1. July 13th meeting will be held – August 10th meeting could be considered for cancellation.
2. Hay bid – Unsuccessful because of late cuttings. Asked a local farmer to assist in cutting hay. Coordinating Mill Place and Berry Farm for a joint proposal.
3. Preston Yancey update distributed to Board.
4. Wilson Elementary School bids – spoke with School Board: July 7th hope to receive; July 21st go before the School Board; July 27th come before the Board of Supervisors.
5. Animal Control RFP – Staunton has an RFP for kennel and veterinarian services to be opened on June 27th.

June 22, 2011, at 7:00 p.m.

MATTERS TO BE PRESENTED BY STAFF (cont'd)

6. Alternative Onsite Sewage System (AOSS) regulations information distributed to Board. Two local engineers (one from Augusta and one from Rockingham) are on list as registering concerns.
7. Severe weather damage in the Crimora area from thunder storms – 16 mobile homes and 3 vehicles damaged; 5 mobile homes had major damage and of those two are uninhabitable. Estimated damages: $75,400 and $48,000 for tree removal and debris cleanup (total: $123,400).
8. VDOT Revenue Sharing approved. Mr. Fitzgerald added that the Revenue Sharing projects are under construction (started this week).
9. Sheriff's Award – 2010 Law Enforcement Challenge Award for having the best traffic safety program.
10. Virginia Recreation and Park Society article – mentioned Augusta County's and Waynesboro's coordinated effort for the Park-to-Park ½ Marathon.
11. Cassell Elementary School – Electoral Board request for new polling place. There is a need for a ramp, handicap signs, and line striping at a cost of $1,841. School Board has asked that their contractor do the work. Funding Source: CIP Account #80000-0849.
12. Courthouse – Brick cleaning needed. First bid $30,000; another offer of $5,150 has been given.
13. DEQ brochure – Wetlands and river regulations/permitting distributed to Board. Available at the Community Development counter.
14. Candidates request – General Information is always provided for citizens; "Research" information asked for direction from the Board regarding time limitations. Ms. Sorrells advised that the standards of the FOIA should be followed. It was the consensus of the Board to follow the FOIA requirements.

* * * * * * * * * * * * * * * *

CLOSED SESSION

On motion of Mr. Coleman, seconded by Mr. Pyles, the Board went into closed session pursuant to:

(1) the personnel exemption under Virginia Code § 2.2-3711(A)(1)
[discussion, consideration or interviews of (a) prospective candidates for employment, or (b) assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific employees]:

A) Boards and Commissions

(2) the legal counsel exemption under Virginia Code § 2.2-3711(A)(7)
[consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, as permitted under subsection (A) (7)]:

A) Contract pending

(3) the economic development exemption under Virginia Code § 2.2-3711(A)(5)
[discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of its interest in locating or expanding its facilities in the county]:

A) Industrial Prospect

CLOSED SESSION (cont'd)
On motion of Mr. Beyeler, seconded by Ms. Sorrells, the Board came out of closed Session.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * *

The Chairman advised that each member is required to certify that to the best of their knowledge during the closed session only the following was discussed:

1. Public business matters lawfully exempted from statutory open meeting requirements, and
2. Only such public business matters identified in the motion to convene the executive session.

The Chairman asked if there is any Board member who cannot so certify.

Hearing none, the Chairman called upon the County Administrator/ Clerk of the Board to call the roll noting members of the Board who approve the certification shall answer AYE and those who cannot shall answer NAY.

Roll Call Vote was as follows:

AYE: Coleman, Garber, Howdyshell, Shifflett, Sorrells, Pyles and Beyeler
NAY: None

The Chairman authorized the County Administrator/Clerk of the Board to record this certification in the minutes.

* * * * * * * * * * * * * * * *

AUGUSTA COUNTY LIBRARY BOARD - APPOINTMENT
Mr. Coleman moved, seconded by Mr. Howdyshell, that the Board appoint James M. Friend to serve a 4-year term on the Augusta County Library Board, effective July 1, 2011, to expire June 30, 2015.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * *

BLUE RIDGE CRIMINAL JUSTICE BOARD - APPOINTMENT
Mr. Coleman moved, seconded by Mr. Howdyshell, that the Board appoint Keith A. Sprouse to serve a 2-year term on the Blue Ridge Criminal Justice Board, effective July 1, 2011, to expire June 30, 2013.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * *

June 22, 2011, at 7:00 p.m.

SHENANDOAH VALLEY WORKFORCE INVESTMENT BOARD - APPOINTMENT

Mr. Coleman moved, seconded by Mr. Pyles, that the Board appoint Dennis Burnett to serve a 2-year term on the Shenandoah Valley Workforce Investment Board, effective July 1, 2011, to expire June 30, 2013.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * *

VALLEY RECYCLING – INDUSTRIAL ACCESS RAILROAD TRACK FUNDS – RESOLUTION

Mr. Garber moved, seconded by Mr. Pyles, that the Board adopt the following resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY , VIRGINIA

WHEREAS, Valley Recycling has expressed its intent and desire to the Augusta County Board of Supervisors to locate their commercial business or industrial operations in Augusta County.

WHEREAS, Valley Recycling and its operations will require rail access.

WHEREAS, the officials of Valley Recycling have reported to the county their intent to apply for industrial access railroad track funds from the Commonwealth of Virginia's Department of Rail and Public Transportation in the amount of $450,000.00.

WHEREAS, Valley Recycling has requested that the Augusta County Board of Supervisors provide a resolution supporting their application for said funds which are administered by the Virginia Department of Rail and Public Transportation.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AUGUSTA COUNTY, VIRGINIA:

1. The Board of Supervisors of Augusta County, Virginia hereby endorses and supports the application of Valley Recycling. for $450,000.00 in industrial access railroad track funds.

2. The Board of Supervisors of Augusta County, Virginia hereby makes known its desire and intent to assist the Commonwealth Transportation Board in providing the maximum financial assistance to Valley Recycling for the purpose of locating its business, commercial or industrial facilities in Augusta County.

3. This Resolution shall take effect immediately upon its adoption.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * * *

June 22, 2011, at 7:00 p.m.

ADJOURNMENT

There being no other business to come before the Board, Mr. Coleman moved, seconded by Ms. Sorrells, the Board adjourned subject to call of the Chairman.

Vote was as follows: Yeas: Howdyshell, Sorrells, Garber, Beyeler, Shifflett, Pyles and Coleman

Nays: None

Motion carried.

* * * * * * * * * * * * * * *

_____ _____

Chairman County Administrator

H:6-22min.11